

PUBLIC DEFENDER COMMISSION



**Missouri State Public Defender System
Budget Request
Fiscal Year 2015**

PUBLIC DEFENDER COMMISSION

Budget Request Fiscal Year 2015

**Cathy R. Kelly
State Public Defender, Director
573-526-5212**



Office of the State Public Defender
231 East Capitol
Jefferson City, Missouri 65101
573-526-5210 – Phone 573-526-5213 – Fax

October 1, 2013

Dear Governor Nixon,

Enclosed is the 33rd annual budget request of the Missouri State Public Defender System. The need for more staffing to handle the existing caseload is neither new or news to anyone following the challenges of Missouri's public defender system.

What *is* new is that the staffing request found in this budget is based not on MSPD's own guesstimate of its needs nor on the national caseload standard that caused the State Auditor such concern, but upon an independent and Missouri-specific workload study conducted under the auspices of the American Bar Association and RubinBrown, one of the state's leading accounting and business analytics firms. The methodology, which the ABA plans to 'export' to public defender systems across the nation, is the most thorough study of public defense workloads ever conducted, involving detailed time logs maintained by all public defenders as to both task and type of case, as well as the best practices and input, not only of public

defenders, but of many of Missouri's private criminal defense attorneys. The data is unimpeachable, the need is real, and the time for addressing it long overdue.

If you have any doubts about this, I strongly encourage you to request a personal meeting with the RubinBrown staff who conducted the study and obtain your own overview of both their method and their results. It is time to put to bed, once and for all, questions about *whether* the public defender system needs more staff and start turning the discussion to how to address the problem. I think you will find this workload study allows you to do just that.

In addition, there are two new items in this budget that I want to bring to your attention:

- ♦ **Juvenile Justice:** Included in this budget is a request for \$3.2 million for MSPD to assume responsibility for

providing defense representation to 3,900+ juveniles who last year went through the state's juvenile system unrepresented by counsel of any kind. This request is a direct response to the assessment of Missouri's juvenile justice system, released by the National Juvenile Defender Center this past spring, which found that significant numbers of Missouri's children were being processed through the state's juvenile justice system without ever speaking to or being represented by an attorney, in direct violation of the U.S. Supreme Court's decision in *In Re Gault*, 387 U.S. 1 (1967). In addition to the 1,670 cases in which the public defender provided juvenile defense representation, according to data provided by the Office of the State Court's Administrator, only 13% of the 6506 children facing delinquency charges in Missouri's juvenile justice system last year appeared with counsel, leaving the remainder to fend for themselves without legal assistance. Conversations with judicial leaders indicate that judges will appoint public defenders to represent those children if the PD has sufficient staffing to take on the additional cases. The requested funds are thus designed to allow MSPD to fill that gap, hiring sufficient attorney staff, as well as the necessary investigators and support staff, to provide defense representation to these 3,900+ juveniles across the state.

Failure to bridge this gap may have its own consequences for the state. Last year, the Department of Justice, under the leadership of Attorney General Eric Holder, sued Shelby County, TN for its failure to meet its constitutional

obligations toward the state's juveniles. That litigation resulted in a comprehensive out of court Memorandum of Agreement (<http://www.justice.gov/opa/pr/2012/December/12-crt-1511.html>) that required Shelby County to, among other things: establish a dedicated juvenile defender unit in the public defender's office, independent of the court, with the structure and resources to provide independent, ethical, and zealous representation for children; require procedural safeguards against self-incrimination, to provide notice of charges, and to hold transfer hearings; and to appoint counsel before children appear before a magistrate judge for a probable cause determination. If no steps are taken to ensure legal representation for over 5000 children going through Missouri's juvenile justice system, Missouri will be ripe for just such a federal intervention by Attorney General Holder's Justice Department as Tennessee was.

♦ ***Supplemental Budget: Return \$700,000 previously moved to OSCA to fund pilot contract programs:***

Last year, the legislature decided to transfer \$700,000 from MSPD's contracting funds to OSCA for the purpose of creating and overseeing two or more pilot 'bulk bid of misdemeanors' contracting projects. In the interim since that transfer, the Supreme Court has determined that it lacks the authority to administer such a program and that direct oversight of such attorney services would create a conflict of interest for the court. As a result, the Court has directed OSCA not to utilize the funds,

but to hold them separate and return them to General Revenue unused. MSPD, with the knowledge and agreement of the Supreme Court, therefore requests that the untouched \$700,000 be removed from OSCA's budget and returned to us, both as part of the FY14 supplemental budget and as part of the FY15 core, so that we may use it contract conflict cases and case overload – a need for which current funds are woefully inadequate.

In her book, *Ordinary Injustice*, Amy Bach described her investigation into the misdemeanor and lower-level felony courts around the country. What she found most troubling, as she watched horrific injustices daily paraded before her eyes in courts across the country, was the fact that the players in that system – defense lawyers, judges, prosecutors, and bailiffs – had become inured to the daily injustices that pervaded their courts. The daily dose of injustice had become so 'ordinary' that no one was even troubled by it anymore – no one except those whose lives were being upended, those with no voice and even less power to effect change. The same ennui can set in for those of us working at statewide policy levels. 'The public defender *always* says they need more resources.' 'The courts *always* need more judges.' Hardly news. Easily disregarded. Until, that is, we know someone caught up in the crush of a system operating in triage and then we are shocked at how unfairly they are treated.

The fact that injustice is 'ordinary' does NOT mean that we are exempted from a responsibility to fix it. History will not forgive us our failure to step in, nor should it. We all took an oath to

support the Constitution when we accepted our positions and we daily pledge our allegiance to 'liberty and justice for all.' These are not simply words in a rote exercise, but the very foundation for which our forefathers gave their lives and on which this nation was built. A foundation that today is crumbling around us. Despite the tight financial times, money was found to repair the crumbling foundations of our magnificent state capitol. Perhaps now we can find the means to repair the crumbling foundations of justice as well? I certainly hope so.

Sincerely,

A handwritten signature in dark ink, appearing to read "Cathy R. Kelly". The signature is fluid and cursive, with the first name "Cathy" and last name "Kelly" being the most prominent parts.

Cathy R. Kelly
Director, Missouri Public Defender Commission

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PROGRAM DESCRIPTION

Department: Office of the State Public Defender

Program Name: Public Defender

Program is found in the following core budget(s): Legal Services, Legal Defense & Defender Fund, Litigation and Conflicts, and Federal & Other

1. What does this program do?

The Sixth Amendment to the United States Constitution provides that, *"In all criminal prosecutions, the accused shall enjoy the right to . . . have the assistance of counsel for his defence."* If an individual cannot afford to hire an attorney, the state must provide one for him in order for the prosecution to proceed. The Missouri State Public Defender System was created to meet this obligation of the State of Missouri. Its lawyers provide criminal defense representation to indigent defendants in all of Missouri's criminal trial and appellate courts, as well as in a variety of quasi-criminal matters which carry a right to counsel, such as juvenile delinquency cases, sexually violent predator commitment cases, petitions for release from the Department of Mental Health, probation revocations and post-conviction motions to vacate criminal convictions.

2. What is the authorization for this program, i.e., federal or state statute, etc.? (Include the federal program number, if applicable.)

Chapter 600 R.S. Mo, which was enacted to comply with the state's obligations under the U.S. Constitution and Missouri Constitutions:

In all criminal prosecutions, the accused shall enjoy the right to . . . have the assistance of counsel for his defence.
Amend VI, U.S. Constitution

In order to assert our rights, acknowledge our duties, and proclaim the principles on which our government is founded, we declare: . . .
That in criminal prosecutions the accused shall have the right to appear and defend in person and by counsel.
Article I, Section 18(a), Missouri Constitution.

3. Are there federal matching requirements? If yes, please explain.

No

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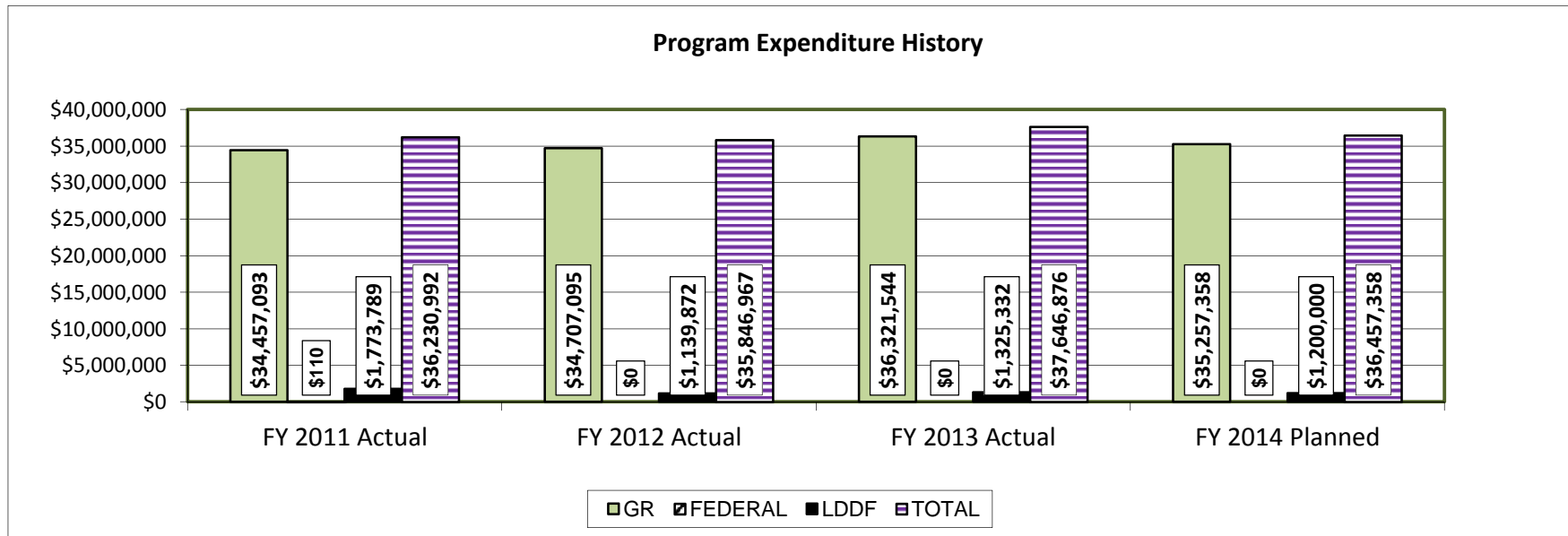
Program is found in the following core budget(s): Legal Services, Legal Defense & Defender Fund, Litigation and Conflicts, and Federal & Other

4. Is this a federally mandated program? If yes, please explain.

Yes. The provision of counsel to indigent defendants facing prosecution and the potential loss of their liberty is federally mandated under the United States Constitution:

In all criminal prosecutions, the accused shall enjoy the right to . . . have the assistance of counsel for his defence.” Amend VI, U.S. Constitution Bill of Rights

5. Provide actual expenditures for the prior three fiscal years and planned expenditures for the current fiscal year.



6. What are the sources of the "Other " funds?

Legal Defense and Defender Fund - Collections from Clients

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7a. Provide an effectiveness measure.

There are three primary measures of effectiveness applicable to the Missouri State Public Defender System:

(1) **Case Law:** Through cases ruled upon by the United States Supreme Court, the Missouri Supreme Court and Courts of Appeal, specific standards of what does or does not constitute effective assistance of counsel in the representation of a criminal defendant have evolved. Where an attorney is found by the court to have failed to meet those standards, any conviction of the defendant must be set aside.

(2) **Missouri Rules of Professional Responsibility** are established by the Missouri Supreme Court and applicable to every attorney licensed to practice law within the State of Missouri. The Rules set out what is expected from a competent, professional attorney and are enforced by the Missouri Supreme Court through its Office of Chief Disciplinary Counsel. Failure to comply with these rules can result in actions being taken against the attorney's license, ranging from a formal reprimand up to and including permanent disbarment from the right to practice law within the state.

(3) **MSPD Guidelines for Representation** adopted by the Missouri State Public Defender Commission, which set out the Commission's expectations of its attorneys in order to meet the above standards for effective representation of clients served by Missouri Public Defenders.

Unfortunately, the Missouri State Public Defender System is not currently able to meet many of these standards because it is staffed to handle only a percentage of the total caseload assigned to it this last year. The overload has forced lawyers and investigators alike to cut corners, skip steps, and make on-the-fly triage decisions in order to keep up with the deluge of cases coming in the door. As a result, effectiveness in many of these cases is seriously compromised.

American Bar Association Ethical Advisory Opinion re Public Defender Caseloads: In 2006, the American Bar Association issued an ethical advisory opinion warning against ethical violations caused by excessive defender caseloads and highlighting the fact that public defenders are not exempt from the professional obligation of all attorneys not to take on more cases than they can effectively handle. That opinion cited national caseload standards, as a base which should not be exceeded, but warned that other factors must also be taken into consideration, such as availability (or lack of) support staff to assist the attorneys, time taken away from case preparation by other non-case-related duties, such as travel, training, management, etc., and the specifics of local practice that could impact the amount of time needed for handling particular case types. *See, ABA Formal Opinion 06-441: Ethical Obligations of Lawyers who Represent Indigent Criminal Defendants When Excessive Caseload Interfere with Competent and Diligent Representation, May 13, 2006.*

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In recognition of this, in 2008, the Missouri Public Defender Commission established Maximum Allowable Workloads for each district public defender office. Under the regulation, when the hours needed to handle the cases coming in the door exceed the hours available to handle those cases, the office is deemed to have exceeded its maximum allowable workload for that month. When an office has been assigned more than its maximum allowable workload for three consecutive months, the office can be 'certified' and placed on limited availability for new cases. *See 18 C.S.R. 4-010 Rule for the Acceptance of Cases, eff. July 30, 2008.* Last year, the Missouri Auditor raised a number of concerns about MSPD's reliance on national caseload standards in determining when offices had exceeded their maximum allowable caseload and the Public Defender Commission decided to go back to the drawing board.

ABA-Sponsored 2013 Missouri Public Defender Workload Study: Through the intervention of the American Bar Association, which provided both guidance and funding, RubinBrown, an accounting and business analytics firm located in St. Louis, MO was retained to design and conduct a workload study. While the study is designed to be specific to Missouri Public Defenders, it was created using a format that would allow the ABA to export the methodology for use by other public defender systems around the country. While the study is not quite final, at the time of this writing, preliminary case weights provided to MSPD by RubinBrown for use in this budget request reveal that Missouri Public Defenders need 203 additional lawyers to effectively handle their existing caseload, a number that assumes all the conflict cases currently being handled internally by nearby defender offices are removed entirely from the public defender system and contracted out to private counsel.

The first ingredients in the Missouri Public Defender workload are the attorney hours spent traveling to and from court, jails, and prisons (over 43,400 hours per year) and the hours spent in court (just under 87,000 hours per year). Together, these two non-discretionary activities utilize the full-time equivalent of 63 attorney positions.

The bulk of the workload, however, is connected to the time attorneys need to spend on out-of-court preparation – discovery review, legal research and writing, motion practice, case investigation, witness interviews and depositions, investigating alternative sentencing placements, dealing with experts in appropriate cases, client consultations and consultations with the families of clients, as well as negotiation and trial preparation in appropriate cases. The amount of time needed to meet these obligations of defense counsel will vary with the complexity of the case.

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The ABA/RubinBrown workload study was designed to identify both what is currently being done on cases and what the attorneys *should* be doing on those same cases if they were able to comply with their professional, ethical, and constitutional levels of representation. In other words, they were careful not to institutionalize ineffective or inadequate representation by relying solely on what current time records show where that time was not consistent with what expert practitioners – both private and public defense attorneys – deemed necessary. The final study, detailing both their methodology and results, will be released by the American Bar Association in a matter of weeks and more detail will therefore be available for presentation to funding authorities in the near future. For purposes of this budget request, however, RubinBrown did provide MSPD with their preliminary case weights for each case type measured in their workload study. Those preliminary weights are set out below:

ABA/RubinBrown Workload Study	
Non-Capital Homicide	85.9
A/B Felony Offense	41.2
C/D Felony Offense	22.0
Sex Offense - A & B	53.4
Misdemeanor	10.0
Juvenile	16.6
Appeals/PCR	70.9
Probation Violation	8.4

For purposes of this budget request, MSPD has not counted into the workload equation any non-case-related attorney work hours, though there are many: time spent in training and mandatory continuing legal education or time spent by attorney managers mentoring and second-chairing their staff, hiring and troubleshooting the various problems that arise in any office setting. No annual or sick leave time has been deducted, nor does this request take into account all the time Missouri public defenders have to devote to non-attorney tasks because of the shortage of support staff with whom they can work. Rather this request assumes that every hour of every attorney's day is devoted exclusively to case work – either traveling to court, in court, or working on the cases outside of court. And STILL, MSPD is over 200 attorneys short of the staffing needed – not according to MSPD's calculations, but according to an independent study designed and conducted by the American Bar Association and

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7b. Provide an efficiency measure.

The Missouri State Public Defender System's 369.50 lawyers opened 77,999 cases last year, appearing in every courthouse in every county across the state, at an average cost to the state's taxpayers of just \$391.21 per case. This astonishingly low cost of indigent defense in Missouri – among the lowest in the nation -- is not a cause for celebration. It comes at the cost of justice, the result of widespread failure to provide indigent defendants the effective assistance of counsel that the U.S. Constitution's Bill of Rights guarantees them. There is a limit to the 'Do More With Less' mantra within the arena of criminal justice, and Missouri passed it sometime ago.

Every Missouri Public Defender, attorneys and support staff now tracks their time in five-minute increments by task and case type so that we can see exactly what is – and what is NOT – getting done on the cases assigned to us.

7c. Provide the number of clients/individuals served, if applicable.

In FY2013, provided representation in 77,999 cases. The Public Defender Commission sets the indigency guidelines that are used to determine who is eligible for public defender services. Currently, those guidelines match the Federal Poverty Guidelines. Strictly applied, that would mean an individual making only \$12,000 a year would not qualify for a public defender. According to recent reports, Missouri ranks 50th out of 50 states in income eligibility standards for public defender services, leaving a wide gap of ineligible defendants who in reality still lack the means to retain private counsel in the market. The guidelines, however, do allow for the taking into consideration of all of the defendant's particular circumstances affecting his/her ability to hire counsel, so things such as the seriousness of the charge may impact that decision. Defendants have the right to appeal MSPD's denial of their application to the court for an independent review of their eligibility. If the court finds they are unable to afford private counsel, the court can overrule the public defender denial.

The table below shows a drop in new misdemeanors and probation violation cases for FY13 from previous years. This is the direct result of judicial attempts to address public defender case overload. In several areas around the state, defendants facing only misdemeanor charges are diverted from or wait-listed for public defender services. Some courts wind up appointing private counsel to take on those cases without pay. Others withhold appointment of counsel until it is clear that the defendant either seeks a trial or the prosecutor is seeking jail time. As a result, some of those defendants wind up pleading guilty and being placed on probation for charges that carry a multitude of collateral consequences, including the risk of jail time if their probation is ever revoked, without ever having consulted with counsel. At this point, no one is tracking the number of cases diverted from the public defender system or to which private counsel is appointed to relieve public defender overload, so those numbers are not reflected in this budget request.

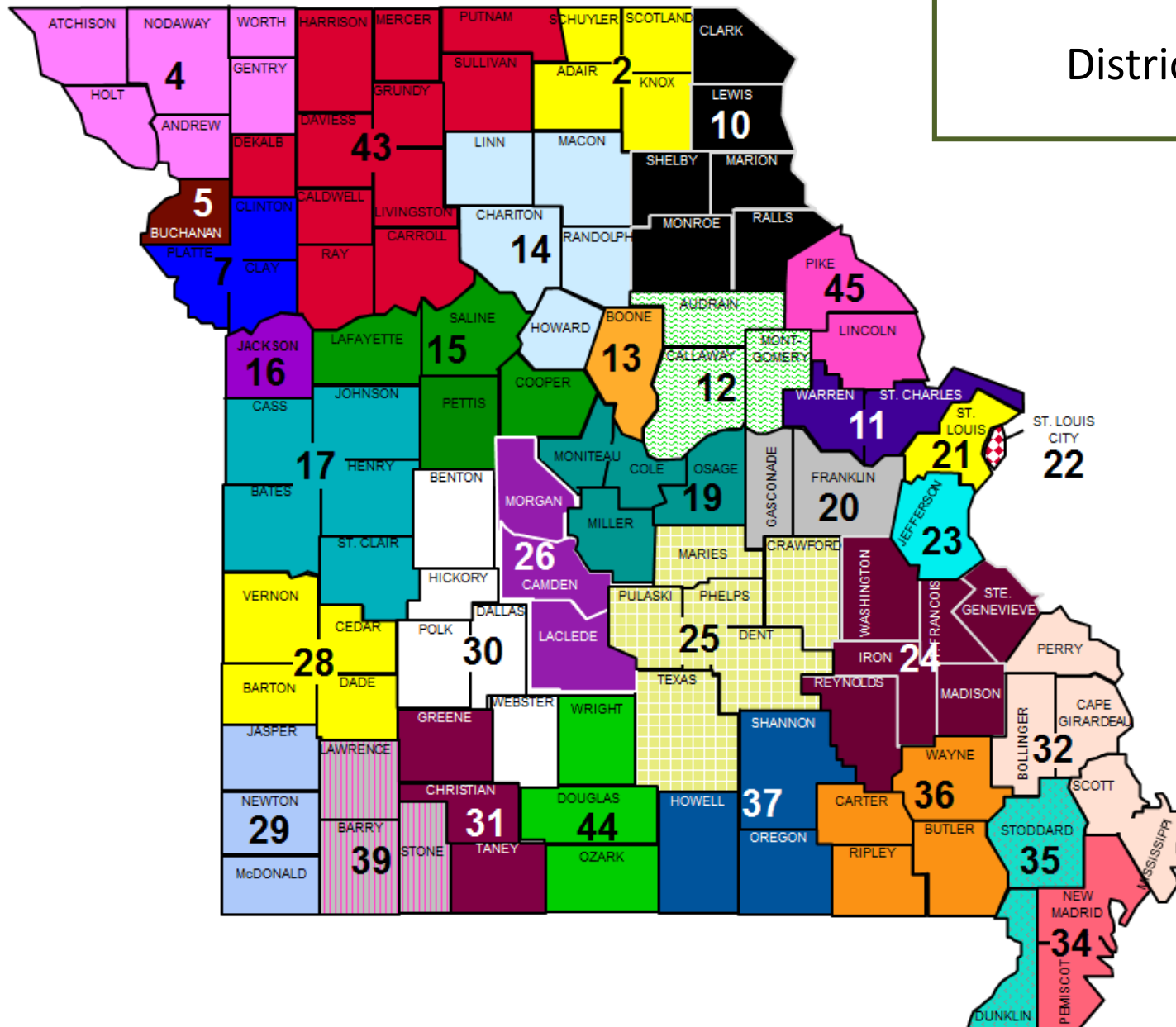
Missouri State Public Defender System

Cases Assigned by Case Type

Fiscal Year	Murder 1st	Other Homicide	Felony	Murder + Felony Caseload	Misdemeanor	Juvenile	PCR	Other	Probation Violation	Appeals	Total Opened	Total Closed
FY13	152	207	38,785	39,144	16,692	1,670	986	238	18,477	792	77,999	79,985
FY12	121	197	38,551	38,869	20,948	1,923	1,212	159	20,320	966	84,397	81,871
FY11	148	149	35,753	36,050	22,767	1,893	1,088	119	20,066	913	82,896	80,137
FY10	161	164	34,781	35,106	24,768	2,393	1,141	131	20,147	930	84,616	81,346
FY09	121	180	33,226	33,527	25,181	2,513	1,264	181	19,518	898	83,082	81,704
FY08	158	154	34,766	35,078	26,098	2,715	1,061	182	19,555	716	85,405	85,116
FY07	174	161	35,109	35,444	27,816	3,380	828	129	19,157	743	87,497	85,133
FY06	138	146	35,339	35,623	28,227	3,676	838	46	19,412	710	88,532	83,260
FY05	156	124	33,282	33,562	28,931	3,881	937	120	20,012	688	88,131	87,180
FY04	154	140	34,422	34,716	28,018	4,258	807	98	20,263	756	88,916	86,356
FY03	195	114	35,425	35,734	25,807	4,147	806	103	18,479	832	85,908	81,059
FY02	163	132	33,183	33,478	25,147	3,918	802	64	18,047	750	82,206	77,165
FY01	182	125	29,934	30,241	22,903	4,488	711	82	17,663	698	76,786	73,438
FY00	147	109	28,019	28,275	24,119	4,998	763	76	16,768	739	75,738	69,591
FY99	182	108	28,892	29,182	23,721	4,629	797	112	14,488	809	73,738	74,570
FY98	196	87	31,591	31,874	24,676	4,270	674	138	14,141	689	76,462	74,495
FY97	169	79	29,663	29,911	21,912	4,075	513	156	13,437	839	70,843	67,870
FY96	175	88	30,198	30,461	23,069	3,612	707	178	11,444	1,038	70,509	70,664
FY95	256	109	27,688	28,053	17,696	3,916	719	165	9,362	1,138	61,049	61,710
FY94	255	152	25,338	25,745	17,852	3,374	682	201	8,225	1,017	57,096	52,453
FY93	301	136	24,402	24,839	15,883	3,146	766	249	7,301	872	53,056	52,363
FY92	282	37	25,458	25,777	19,974	3,372	1,129	167	5,321	569	56,309	55,651
FY91	193	63	21,304	21,560	13,941	2,713	588	169	5,051	820	44,842	49,038
FY90	227	109	23,336	23,672	14,627	3,300	732	369	5,834	1,094	49,628	46,425
FY89	193	149	20,838	21,180	12,902	3,298	1,342	418	5,074	1,243	45,457	42,532
FY88	202	161	20,640	21,003	12,427	3,455	1,006	470	4,475	920	43,756	40,117
FY87	199	145	19,254	19,598	11,736	3,564	755	443	4,308	728	41,132	37,081
FY86	166	175	17,042	17,383	10,602	3,328	612	611	3,815	608	36,959	34,491
FY85	152	172	15,397	15,721	9,126	3,500	543	522	3,293	632	33,337	32,410
FY84	176	175	15,048	15,399	9,256	3,058	534	499	2,878	506	32,130	31,730

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Trial Division District Map



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State Auditor's Reports and Oversight Evaluation

Program or Division Name	Type of Report	Date Issued	Website
Public Defender Commission	Audit	October 1, 2012	http://www.auditor.mo.gov/Press/2012-129.pdf

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Office of the State Public Defender

DECISION ITEM RANKING

Budgeting Unit			FY 2015	FY 2015	*****	*****		
Decision Item	Rank		DEPT REQ	DEPT REQ	SECURED	SECURED	CUMULATIVE TOTAL	
Fund			DOLLAR	FTE	COLUMN	COLUMN	DOLLARS	FTE
OFFICE OF THE DIRECTOR								
CORE	001							
GENERAL REVENUE			32,236,287	585.13	0	0.00	0	0.00
TOTAL			32,236,287	585.13	0	0.00		
GRANTS								
CORE	001							
PUBLIC DEFENDER-FEDERAL & OTHR			125,000	0.00	0	0.00	0	0.00
TOTAL			125,000	0.00	0	0.00		
LEGAL DEFENSE & DEFENDER FUND								
CORE	001							
LEGAL DEFENSE AND DEFENDER			2,981,482	2.00	0	0.00	0	0.00
TOTAL			2,981,482	2.00	0	0.00		
EXTRAORDINARY EXPENSE/CONFLIC								
CORE	001							
GENERAL REVENUE			3,021,071	0.00	0	0.00	0	0.00
TOTAL			3,021,071	0.00	0	0.00		
DEBT OFFSET ESCROW FUND								
CORE	001							
DEBT OFFSET ESCROW			1,200,000	0.00	0	0.00	0	0.00
TOTAL			1,200,000	0.00	0	0.00		
OFFICE OF THE DIRECTOR								
Pay Plan FY14-Cost to Continue - 0000014	002							
GENERAL REVENUE			146,283	0.00	0	0.00	0	0.00
TOTAL			146,283	0.00	0	0.00		
LEGAL DEFENSE & DEFENDER FUND								
Pay Plan FY14-Cost to Continue - 0000014	002							
LEGAL DEFENSE AND DEFENDER			500	0.00	0	0.00	0	0.00
TOTAL			500	0.00	0	0.00		
OFFICE OF THE DIRECTOR								
Caseload Relief - 1151001	005							

Office of the State Public Defender

DECISION ITEM RANKING

Budgeting Unit				*****	*****		
Decision Item	Rank	FY 2015 DEPT REQ DOLLAR	FY 2015 DEPT REQ FTE	SECURED COLUMN	SECURED COLUMN	CUMULATIVE TOTAL DOLLARS	CUMULATIVE TOTAL FTE
Fund							
OFFICE OF THE DIRECTOR							
Caseload Relief - 1151001	005						
GENERAL REVENUE		10,754,490	154.50	0	0.00	0	0.00
TOTAL		10,754,490	154.50	0	0.00		
Juvenile Representation - 1151002	005						
GENERAL REVENUE		4,089,056	96.00	0	0.00	0	0.00
TOTAL		4,089,056	96.00	0	0.00		
Information Technology Update - 1151003	005						
GENERAL REVENUE		254,820	0.00	0	0.00	0	0.00
TOTAL		254,820	0.00	0	0.00		
Missouri Bar Dues - 1151004	005						
GENERAL REVENUE		22,125	0.00	0	0.00	0	0.00
TOTAL		22,125	0.00	0	0.00		
Juvenile Life Without Parole - 1151005	005						
GENERAL REVENUE		1,260,000	0.00	0	0.00	0	0.00
TOTAL		1,260,000	0.00	0	0.00		
Office Space Requirements - 1151006	006						
GENERAL REVENUE		1,901,438	0.00	0	0.00	0	0.00
TOTAL		1,901,438	0.00	0	0.00		
GRAND TOTAL		\$57,992,552	837.63	\$0	0.00		

Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2013	FY 2013	FY 2014	FY 2014	FY 2015	FY 2015	*****	*****
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
CORE								
PERSONAL SERVICES								
GENERAL REVENUE	27,472,186	574.81	28,347,275	585.13	28,347,275	585.13	0	0.00
TOTAL - PS	27,472,186	574.81	28,347,275	585.13	28,347,275	585.13	0	0.00
EXPENSE & EQUIPMENT								
GENERAL REVENUE	5,128,289	0.00	3,889,012	0.00	3,889,012	0.00	0	0.00
TOTAL - EE	5,128,289	0.00	3,889,012	0.00	3,889,012	0.00	0	0.00
TOTAL	32,600,475	574.81	32,236,287	585.13	32,236,287	585.13	0	0.00
Pay Plan FY14-Cost to Continue - 0000014								
PERSONAL SERVICES								
GENERAL REVENUE	0	0.00	0	0.00	146,283	0.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	146,283	0.00	0	0.00
TOTAL	0	0.00	0	0.00	146,283	0.00	0	0.00
Caseload Relief - 1151001								
PERSONAL SERVICES								
GENERAL REVENUE	0	0.00	0	0.00	5,304,912	154.50	0	0.00
TOTAL - PS	0	0.00	0	0.00	5,304,912	154.50	0	0.00
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	5,449,578	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	5,449,578	0.00	0	0.00
TOTAL	0	0.00	0	0.00	10,754,490	154.50	0	0.00
Juvenile Representation - 1151002								
PERSONAL SERVICES								
GENERAL REVENUE	0	0.00	0	0.00	3,296,256	96.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	3,296,256	96.00	0	0.00
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	792,800	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	792,800	0.00	0	0.00
TOTAL	0	0.00	0	0.00	4,089,056	96.00	0	0.00

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Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2013	FY 2013	FY 2014	FY 2014	FY 2015	FY 2015	*****	*****
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Information Technology Update - 1151003								
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	254,820	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	254,820	0.00	0	0.00
TOTAL	0	0.00	0	0.00	254,820	0.00	0	0.00
Missouri Bar Dues - 1151004								
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	22,125	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	22,125	0.00	0	0.00
TOTAL	0	0.00	0	0.00	22,125	0.00	0	0.00
Juvenile Life Without Parole - 1151005								
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	1,260,000	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	1,260,000	0.00	0	0.00
TOTAL	0	0.00	0	0.00	1,260,000	0.00	0	0.00
Office Space Requirements - 1151006								
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	1,901,438	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	1,901,438	0.00	0	0.00
TOTAL	0	0.00	0	0.00	1,901,438	0.00	0	0.00
GRAND TOTAL	\$32,600,475	574.81	\$32,236,287	585.13	\$50,664,499	835.63	\$0	0.00

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CORE DECISION ITEM

Department	Office of the State Public Defender	Budget Unit	15111C
Division	Legal Services		
Core -	Legal Services		

1. CORE FINANCIAL SUMMARY

	FY 2015 Budget Request			
	GR	Federal	Other	Total
PS	28,347,275	0	0	28,347,275
EE	3,889,012	0	0	3,889,012
PSD	0	0	0	0
TRF	0	0	0	0
Total	32,236,287	0	0	32,236,287

FTE	0.00	0.00	0.00	0.00
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Est. Fringe	14,953,188	0	0	14,953,188
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

	FY 2015 Governor's Recommendation			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0

FTE	0.00	0.00	0.00	0.00
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Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. CORE DESCRIPTION

The Missouri State Public Defender System [MSPD] is a statewide system, providing representation to indigent defendants accused of state crimes in Missouri's Trial, Appellate, and Supreme courts. It is an independent department of state government, located within, but not supervised by, the Judicial Branch. It is governed by a seven-member Public Defender Commission, appointed by the governor. This decision item includes funding for public defenders and their support staff throughout the state and central administrative staff.

3. PROGRAM LISTING (list programs included in this core funding)

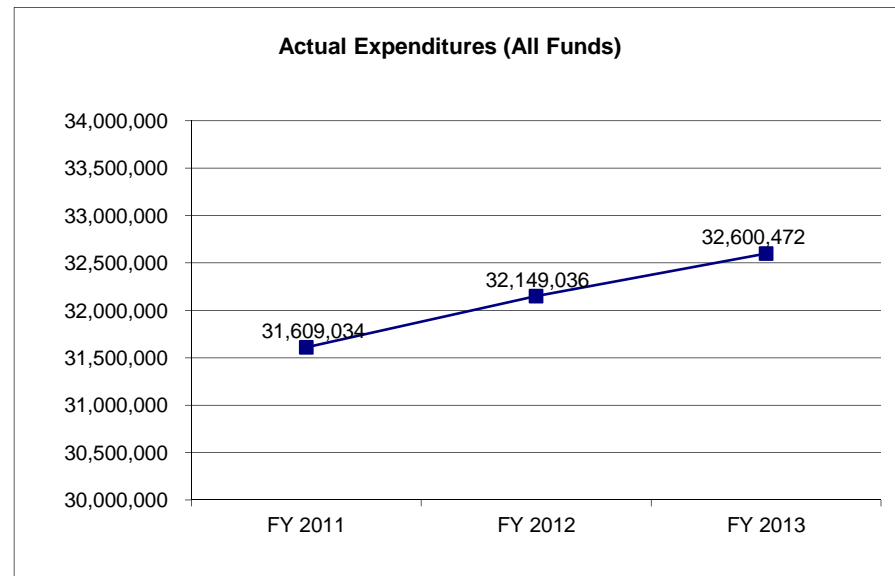
The Missouri State Public Defender has only one program: providing constitutionally required criminal defense representation to Missourians facing the loss of liberty in state misdemeanor and felony prosecutions, as well as in appellate and post-conviction representation matters in which the state has created a right to counsel.

CORE DECISION ITEM

Department	Office of the State Public Defender	Budget Unit	15111C
Division	Legal Services		
Core -	Legal Services		

4. FINANCIAL HISTORY

	FY 2011 Actual	FY 2012 Actual	FY 2013 Actual	FY 2014 Current Yr.
Appropriation (All Funds)	31,859,041	32,149,041	32,600,474	28,347,275
Less Reverted (All Funds)	(250,000)	0	0	(1,133,891)
Budget Authority (All Funds)	31,609,041	32,149,041	32,600,474	27,213,384
Actual Expenditures (All Funds)	31,609,034	32,149,036	32,600,472	0
Unexpended (All Funds)	7	5	2	27,213,384
Unexpended, by Fund:				
General Revenue	7	5	2	0
Federal	0	0	0	0
Other	0	0	0	0



Reverted includes Governor's standard 3 percent reserve (when applicable) and any extraordinary expenditure restrictions.

FY2014 - Reverted includes 4% Personal Service Withheld

NOTES:

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2013	FY 2013	FY 2014	FY 2014	FY 2015	FY 2015	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
CORE								
TEMPORARY EMPLOYEE	2,858	0.14	0	0.00	0	0.00	0	0.00
SECRETARY	3,084,069	118.11	3,209,859	120.50	3,219,234	119.50	0	0.00
COMPUTER INFO. SPECIALIST	301,891	5.53	344,980	6.25	364,127	6.25	0	0.00
INVESTIGATOR	2,002,591	56.94	2,112,725	59.38	2,100,334	60.38	0	0.00
PARALEGAL	206,240	6.10	220,474	6.50	230,295	6.50	0	0.00
MITIGATION SPECIALIST	274,813	7.00	274,797	7.00	284,627	7.00	0	0.00
LAW CLERK	39,751	0.88	0	0.00	0	0.00	0	0.00
ASSISTANT PUBLIC DEFENDER	17,438,204	323.96	17,841,516	326.50	17,747,136	326.50	0	0.00
DISTRICT DEFENDER	2,866,889	39.56	3,127,936	43.00	3,170,342	43.00	0	0.00
DIVISION DIRECTOR	618,904	6.02	618,300	6.00	627,771	6.00	0	0.00
PROGRAM TECHNICIAN	219,948	5.57	179,138	5.00	181,651	5.00	0	0.00
PROGRAM MANAGER	289,280	4.00	290,280	4.00	294,738	4.00	0	0.00
DIRECTOR	126,748	1.00	127,270	1.00	127,020	1.00	0	0.00
TOTAL - PS	27,472,186	574.81	28,347,275	585.13	28,347,275	585.13	0	0.00
TRAVEL, IN-STATE	869,773	0.00	802,000	0.00	850,000	0.00	0	0.00
TRAVEL, OUT-OF-STATE	3,492	0.00	10,900	0.00	16,500	0.00	0	0.00
FUEL & UTILITIES	55,971	0.00	49,700	0.00	56,000	0.00	0	0.00
SUPPLIES	416,203	0.00	313,500	0.00	379,025	0.00	0	0.00
PROFESSIONAL DEVELOPMENT	113,415	0.00	105,150	0.00	118,750	0.00	0	0.00
COMMUNICATION SERV & SUPP	134,643	0.00	252,000	0.00	416,525	0.00	0	0.00
PROFESSIONAL SERVICES	1,722,108	0.00	1,210,172	0.00	194,750	0.00	0	0.00
HOUSEKEEPING & JANITORIAL SERV	103,590	0.00	92,250	0.00	105,000	0.00	0	0.00
M&R SERVICES	374,309	0.00	186,900	0.00	949,546	0.00	0	0.00
COMPUTER EQUIPMENT	292,938	0.00	123,180	0.00	25,000	0.00	0	0.00
OFFICE EQUIPMENT	141,675	0.00	21,700	0.00	20,000	0.00	0	0.00
OTHER EQUIPMENT	112,205	0.00	8,000	0.00	5,000	0.00	0	0.00
BUILDING LEASE PAYMENTS	732,410	0.00	664,560	0.00	705,416	0.00	0	0.00
EQUIPMENT RENTALS & LEASES	13,224	0.00	11,500	0.00	10,000	0.00	0	0.00

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2013	FY 2013	FY 2014	FY 2014	FY 2015	FY 2015	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
CORE								
MISCELLANEOUS EXPENSES	42,333	0.00	37,500	0.00	37,500	0.00	0	0.00
TOTAL - EE	5,128,289	0.00	3,889,012	0.00	3,889,012	0.00	0	0.00
GRAND TOTAL	\$32,600,475	574.81	\$32,236,287	585.13	\$32,236,287	585.13	\$0	0.00
GENERAL REVENUE	\$32,600,475	574.81	\$32,236,287	585.13	\$32,236,287	585.13		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

FLEXIBILITY REQUEST FORM

BUDGET UNIT NUMBER: 1151000 BUDGET UNIT NAME: Public Defender Legal Services	DEPARTMENT: Office of the State Public Defender DIVISION: Legal Services
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1. Provide the amount by fund of personal service flexibility and the amount by fund of expense and equipment flexibility you are requesting in dollar and percentage terms and explain why the flexibility is needed. If flexibility is being requested among divisions, provide the amount by fund of flexibility you are requesting in dollar and percentage terms and explain why the flexibility is needed.

DEPARTMENT REQUEST

The Office of the State Public Defender is requesting full flexibility in our legal services appropriations. (Appropriations 0911, 0912 and 8727). Due to the turnover of attorney positions, the number of conflicts and the overload of cases, it is frequently necessary to transfer cases from state employees (Appropriation 0911) to private counsel who can be compensated from appropriation 0912 or 8727.

It is also necessary to transfer vacancy savings dollars from the Personal Service Appropriation to the Expense and Equipment Appropriation to cover increasing office expenses such as travel, postage, equipment maintenance and network charges . The dollars are also used for litigation expenses.

2. Estimate how much flexibility will be used for the budget year. How much flexibility was used in the Prior Year Budget and the Current Year Budget? Please specify the amount.

PRIOR YEAR - FY13 ACTUAL AMOUNT OF FLEXIBILITY USED	CURRENT YEAR - FY14 ESTIMATED AMOUNT OF FLEXIBILITY THAT WILL BE USED	BUDGET REQUEST - FY15 ESTIMATED AMOUNT OF FLEXIBILITY THAT WILL BE USED
\$709,180	Dependent on the Release of the Governor's Reserve	\$500,000

3. Please explain how flexibility was used in the prior and/or current years.

PRIOR YEAR EXPLAIN ACTUAL USE	CURRENT YEAR EXPLAIN PLANNED USE
\$709,000 was transferred from Personal Service (0911) to E&E (0912) to cover case overload contracts, a shortage in litigation costs, general office operating costs and the one time purchase of equipment.	Flexibility will be utilized to best meet the caseload demands of the State Public Defender System. Dollars from Personal Service could be used to meet the cost of operating the local offices or to contract out cases to the private bar as the need arises or to pay for necessary litigation expenses.

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NEW DECISION ITEM
RANK: 1 **OF** 7

Department: Office of the State Public Defender	Budget Unit <u>15111C</u>
Division: Legal Services	
DI Name: Cost to Continue FY2014 Pay Plan	DI# 0000014

1. AMOUNT OF REQUEST

FY 2015 Budget Request				
	GR	Federal	Other	Total
PS	146,283	0	0	146,283
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	146,283	0	0	146,283

FTE	585.13	0.00	0.00	585.13
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Est. Fringe	77,164	0	0	77,164
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

FY 2015 Governor's Recommendation				
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0

FTE	0.00	0.00	0.00	0.00
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Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input checked="" type="checkbox"/> Pay Plan	<input type="checkbox"/> Other: _____	

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

This is a new Fiscal Year 2015 Decision Item. It is considered a "Cost to Continue" decision item. It will furnish funding for the 2nd half of Fiscal Year 2014 pay plan that is to be put into place with the January 1st, 2014 pay period. The Fiscal Year 2014 pay plan was funded for only 12 of 24 pay periods.

NEW DECISION ITEM
RANK: 1 **OF** 7

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Legal Services		
DI Name:	Cost to Continue FY2014 Pay Plan	DI#	0000014

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

The dollar amounts for this decision item were provided to the agencies by the Office of Administration, Division of Budget and Planning.

5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.

		Dept Req	Dept Req	Dept Req	Dept Req	Dept Req	Dept Req	Dept Req	Dept Req
		GR	GR	FED	FED	OTHER	OTHER	TOTAL	TOTAL
		DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE
Budget Object Class/Job Class									
Secretary	0200	\$30,125	121.50					\$30,125	121.50
Computer Information Specialist	0270	\$1,563	6.25					\$1,563	6.25
Program Technician	0560	\$1,250	5.00					\$1,250	5.00
Investigator	0300	\$14,845	58.38					\$14,845	58.38
Paralegal	0325	\$1,625	6.50					\$1,625	6.50
Mitigation Specialist	0350	\$1,750	7.00					\$1,750	7.00
Assistant Public Defender	0400	\$81,625	326.50					\$81,625	326.50
District Defender	0460	\$10,750	43.00					\$10,750	43.00
Program Manager	0570	\$1,000	4.00					\$1,000	4.00
Division Director	0550	\$1,500	6.00					\$1,500	6.00
Director	0600	\$250	1.00					\$250	1.00
Total PS		\$146,283	585.13	0	0.0	0	0.0	\$146,283	585.13
Grand Total		146,283	585.13	0	0.0	0	0.0	146,283	585.13

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2013	FY 2013	FY 2014	FY 2014	FY 2015	FY 2015	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Pay Plan FY14-Cost to Continue - 0000014								
SECRETARY	0	0.00	0	0.00	30,125	0.00	0	0.00
COMPUTER INFO. SPECIALIST	0	0.00	0	0.00	1,563	0.00	0	0.00
INVESTIGATOR	0	0.00	0	0.00	14,845	0.00	0	0.00
PARALEGAL	0	0.00	0	0.00	1,625	0.00	0	0.00
MITIGATION SPECIALIST	0	0.00	0	0.00	1,750	0.00	0	0.00
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	81,625	0.00	0	0.00
DISTRICT DEFENDER	0	0.00	0	0.00	10,750	0.00	0	0.00
DIVISION DIRECTOR	0	0.00	0	0.00	1,500	0.00	0	0.00
PROGRAM TECHNICIAN	0	0.00	0	0.00	1,250	0.00	0	0.00
PROGRAM MANAGER	0	0.00	0	0.00	1,000	0.00	0	0.00
DIRECTOR	0	0.00	0	0.00	250	0.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	146,283	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$146,283	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$146,283	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

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NEW DECISION ITEM
RANK: 5 **OF** 7

Department: Office of the State Public Defender	Budget Unit <u>15111C</u>
Division: Public Defender - Legal Services	
DI Name: Caseload Relief - 4 Year Phase - In	DI# 1151001

1. AMOUNT OF REQUEST

FY 2015 Budget Request				
	GR	Federal	Other	Total
PS	5,304,912	0	0	5,304,912
EE	5,449,578	0	0	5,449,578
PSD	0	0	0	0
TRF	0	0	0	0
Total	10,754,490	0	0	10,754,490
FTE	154.50	0.00	0.00	154.50

Est. Fringe	2,798,341	0	0	2,798,341
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

FY 2015 Governor's Recommendation				
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0
FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input type="checkbox"/> Pay Plan	<input checked="" type="checkbox"/> Other: <u>Constitutionally Mandated</u>	

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

As set out in the Program Description, the state is obligated under both the U.S. Constitution Amendment VI and the Missouri Constitution, Article I, Section 18A to provide criminal defense lawyers for indigent defendants if the state seeks to impose jail time as a possible sentence. Chapter 600 RSMo assigns that responsibility to the Missouri State Public Defender System, but this constitutional responsibility of state government is not currently being met due to too many cases and not enough lawyers.

NEW DECISION ITEM
RANK: 5 **OF** 7

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Caseload Relief - 4 Year Phase - In	DI#	1151001

Three of the last four Chief Justices have warned of this crisis in their State of the Judiciary speeches to the legislature and the U.S. Attorney General, Eric Holder, specifically named Missouri as an example of a broken indigent defense system.

When there are not sufficient resources to adequately staff the public defender system to handle all the eligible cases, public defenders have no choice but to seek to limit the cases they accept. Failure to do so forces them to violate their ethical and professional responsibilities, exposing them to malpractice liability and professional discipline against their licenses to practice law. Presently, four judicial circuits continue to either appoint private counsel to handle what should be public defender cases or are diverting cases to wait lists for public defender availability. Under new legislation that went into effect on August 28, 2013, more district offices will be approaching their presiding judges about similar relief to help them deal with their excessive caseloads.

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

This decision item request presumes that:

1. All conflict cases are contracted out to the private bar rather than sent to another nearby defender office
2. Current contract fee amounts to private counsel remain flat;
3. Caseload, and the percentage of cases that present conflicts, remain relatively flat; and
4. The personnel increases needed to handle the remaining caseload are phased-in over a four year period.

When multiple defendants face charges arising out of the same incident, there is always the risk that at some point in the representation, one will wind up pointing a finger at the other. As a result, the local defender office can only represent one codefendant. The others must go elsewhere, either to another defender office or out to private counsel on a contract for representation. Historically, MSPD has sent the first co-defendant to another defender office and has only contracted second, third, (or more) co-defendants out to private counsel. However, this handling of conflict cases in-house is not a cost-effective approach. These cases pull lawyers out of their primary jurisdictions and require them to drive significant distances to other counties to appear for court, conduct investigations, witness interviews and depositions, visit their clients in that distant county's jail, etc. It is not uncommon for each trip to eat up close to a day of the attorney's time to deal with one or two cases. This arrangement also makes it very difficult for judges to triage cases coming into their local public defender offices because their local office may also be taking conflict cases in 5-6 other counties not controlled by that judge. In the long run, it is much more cost-effective and more efficient to contract all conflict cases out to local attorneys in the private bar, allowing the defender offices to concentrate on effectively representing the cases that arise within the counties they are designed to serve.

NEW DECISION ITEM
RANK: 5 OF 7

Department: Office of the State Public Defender
Division: Public Defender - Legal Services
DI Name: Caseload Relief - 4 Year Phase - In **DI# 1151001**

Budget Unit 15111C

At present, MSPD uses the fee schedule at right for cases contracted out to private counsel. Litigation expenses (the cost of transcripts, investigation, experts, or depositions) are not included in these fees but are approved separately on a case-by-case basis. These costs would also be incurred by MSPD whether the case was being handled internally or by private counsel.

Given the assumptions set out, the cost of contracting out all conflict cases to private counsel would run a little over \$5.75 million. Since our current Fiscal Year 2014 appropriation for this purpose is \$1,578,012, contracting out all conflict cases would require an additional \$4,172,238. \$700,000 of this amount would be considered cost to continue, should the \$700,000 be permanently transferred back from OSCA to the Office of the State Public Defender. Therefore, the net new money to fund this portion of the decision is \$3,472,238 as illustrated in the table on the next page.

Missouri State Public Defender Private Counsel Fee Schedule		
Case Type	Description	Contract Rates
15	Murder 1st Degree	\$10,000
20	Other Homicide	\$6,000
30D	AB Felony Drug	\$750
30F	AB Felony Other	\$1,500
30X	AB Felony Sex	\$2,000
35D	CD Felony Drug	\$750
35F	CD Felony Other	\$750
35X	CD Felony Sex	\$1,500
45M	Misdemeanor	\$375
45T	Misdemeanor - Traffic	\$375
50N	Juvenile - Non Violent	\$500
50S	Juvenile - Status	\$500
50V	Juvenile - Violent	\$750
65F	Probation Violation - Felony	\$375
65M	Probation Violation - Misd	\$375
110F	Direct Appeals - Felony	\$3,750
110S	Direct Appeal - Misdemeanor	\$500
124A	Rule 24.035 Appeal	\$500
124M	Rule 24.035 Motion	\$500
129A	Rule 29.15 Appeal	\$3,750
129M	Rule 29.15 Motion	\$500

Note: MSPD will pay additional compensation in cases resolved by trial
 Jury Trial - \$1,500 for the first day and \$750 for each additional day
 Bench Trial - \$750 per day prorated

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FY2013 CONFLICT CASES - Trial & Appellate Division Does Not include Capital or CDU					
Case Type	Description	Conflicts Currently Handled by MSPD Sister Offices 41's	Conflicts Currently Contracted to Private Counsel 42's & 44's	Contract Rates	Cost of Contracts
15	Murder 1st Degree	12	8	\$10,000	\$200,000
20	Other Homicide	39	6	\$6,000	\$270,000
30D	AB Felony Drug	576	218	\$750	\$595,500
30F	AB Felony Other	477	147	\$1,500	\$936,000
30X	AB Felony Sex	38	13	\$2,000	\$102,000
35D	CD Felony Drug	752	223	\$750	\$731,250
35F	CD Felony Other	2,053	554	\$750	\$1,955,250
35X	CD Felony Sex	18	5	\$1,500	\$34,500
45M	Misdemeanor	886	199	\$375	\$406,875
45T	Misdemeanor - Traffic	90	16	\$375	\$39,750
50N	Juvenile - Non Violent	84	24	\$500	\$54,000
50S	Juvenile - Status	3	1	\$500	\$2,000
50V	Juvenile - Violent	47	12	\$750	\$44,250
65F	Probation Violation - Felony	453	114	\$375	\$212,625
65M	Probation Violation - Misd	127	39	\$375	\$62,250
110F	Direct Appeals - Felony	16		\$3,750	\$60,000
110S	Direct Appeal - Misdemeanor			\$500	\$0
124A	Rule 24.035 Appeal	1	2	\$500	\$1,500
124M	Rule 24.035 Motion	15	5	\$500	\$10,000
129A	Rule 29.15 Appeal	2	2	\$3,750	\$15,000
129M	Rule 29.15 Motion	21	14	\$500	\$17,500
	Totals	5,710	1,602		\$5,750,250
	Fiscal Year 2014 Contract Budget				-\$1,578,012
	Fiscal Year 2014 Cost to Continue Transfer of \$700,000				<u>-\$700,000</u>
	Additional Appropriation Required to Contract Out All Conflicts				\$3,472,238
ALL TRIAL & APPELLATE CONFLICTS (41'S AND 42'S) TO PRIVATE COUNSEL					

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Fiscal Year 2013 ASSIGNED CASES -
Trial & Appellate Division Caseload, Adjusted for Withdrawals, Sending & Receiving Office Conflicts
MSPD to Retain All Cases That Are Not Conflicts

Does Not include Capital or CDU

Type Code	Case Type	Trial & Appellate Division Cases	Adjusted for FY12 Withdrawn	1st Level Conflicts 41's - Sending Office	1st Level Conflicts 41's - Receiving Office	Conflicts Assigned to Private Counsel 42's & 44's	Trial & Appellate Adjusted Caseload NO CONFLICTS	Hours Required for Case Type	FY13 Required Hours
15	Murder 1st Degree	127	(20)	(12)	(12)	(8)	75	85.90	6,443
20	Other Homicide	182	(23)	(39)	(39)	(6)	75	85.90	6,443
30D	AB Felony Drug	3,322	(453)	(576)	(576)	(218)	1,499	41.20	61,759
30F	AB Felony Other	3,923	(546)	(477)	(477)	(147)	2,276	41.20	93,771
30X	AB Felony Sex	660	(91)	(38)	(38)	(13)	480	53.40	25,632
35D	CD Felony Drug	6,865	(672)	(752)	(752)	(223)	4,466	22.00	98,252
35F	CD Felony Other	21,923	(2,023)	(2,040)	(2,040)	(553)	15,267	22.00	335,874
35X	CD Felony Sex	374	(60)	(18)	(18)	(5)	273	53.40	14,578
45M	Misdemeanor	14,008	(900)	(886)	(886)	(199)	11,137	10.00	111,370
45T	Misdemeanor - Traffic	2,322	(249)	(90)	(90)	(16)	1,877	10.00	18,770
50N	Juvenile - Non Violent	909	(33)	(84)	(84)	(24)	684	16.60	11,354
50S	Juvenile - Status	102	(8)	(3)	(3)	(1)	87	16.60	1,444
50V	Juvenile - Violent	618	(30)	(47)	(47)	(12)	482	16.60	8,001
60	552 Release Petitions	23	(10)				13	0.00	0
65F	Probation Violation - Felony	14,323	(945)	(453)	(453)	(114)	12,358	8.40	103,807
65M	Probation Violation - Misd	3,899	(245)	(127)	(127)	(39)	3,361	8.40	28,232
75	Special Writ	7				(1)	6	0.00	0
99	None	79	(12)	(13)	(13)		41	0.00	0
110F	Direct Appeals - Felony	359	(12)	(16)	(16)		315	70.90	22,334
110J	Direct Appeal - Juvenile	8	(3)				5	70.90	355
110S	Direct Appeal - Misdemeanor	23	(3)				20	70.90	1,418
124A	Rule 24.035 Appeal	172	(3)	(1)	(1)	(2)	165	70.90	11,699
124M	Rule 24.035 Motion	585	(23)	(15)	(15)	(5)	527	70.90	37,364
129A	Rule 29.15 Appeal	184	(8)	(2)	(2)	(2)	170	70.90	12,053
129M	Rule 29.15 Motion	262	(9)	(21)	(21)	(14)	197	70.90	13,967
Other	Other	38	(3)				35	0.00	0
	Totals	75,297	(6,384)	(5,710)	(5,710)	(1,602)	55,891	Case Hours	1,024,920

Trial and Appellate Division - Case Standards - Attorney Calculation
Assuming All Conflicts to Private Counsel

From Time Log - Attorney Travel Time Per Year	43,423.2
From Time Log - Attorney In Court Time	86,950.7
Case Hours Required Per ABA/RubinBrown Study	<u>1,024,920.0</u>
Total Attorney Hours Required Per Year	1,155,293.9
Attorney Hours Available Per Year	2,080.0
Number of Attorneys Required	555.4
Current Number of Trial & Appellate Division Attorneys	<u>349.0</u>
Number of Attorneys Needed to meet RubinBrown Standard	206.4

NEW DECISION ITEM
RANK: 5 OF 7

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Caseload Relief - 4 Year Phase - In	DI#	1151001

Attorney Staff Needed to Handle Remaining Caseload: Removing all conflict cases helps to reduce the public defender case overload, but it does not eliminate it. Assuming no increase in caseload, we would still be 206 lawyers short of the number needed to handle the cases that remain.

Support Staff: Every law practice management expert will affirm that lawyer time needs to be leveraged by utilizing support staff for everything that can be done by a non-lawyer, in order to free up the lawyer to do those things that only a lawyer can do. Some of those tasks are best done by a legal assistant or a paralegal, others by a clerk, and still others by an investigator, but the goal is always to preserve the lawyer's time for those things that require a law license and utilize the less-expensive support staff personnel for everything else. For this reason, in most private law firms you will find significantly more support staff in a law office than you'll find attorneys, and, according to a survey conducted by the Office of Missouri Prosecution Services, Missouri's prosecuting attorney's offices average 1-2 support staff for every attorney, excluding investigative staff. **Therefore, MSPD is requesting two legal assistants for every new attorney. In all, that would mean 406 legal assistants to accompany the 412 additional attorneys necessary to handle the remaining caseload after all conflict cases have been contracted out of the system.**

Four-year Phase-in = \$6.5 Million in FY15: In recognition of the realities of the current economic state, as well as the logistical challenges involved in both hiring and finding facilities to accommodate such a large staffing increase in one fell swoop, this budget proposes a four-year phase-in of the staffing increase associated with this decision item.

NEW DECISION ITEM
RANK: 5 OF 7

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Caseload Relief - 4 Year Phase - In	DI#	1151001

One Time Equipment Purchase

Attorney

Desk	\$540
Chair	\$175
Side Chair (2)	\$250
Bookcase	\$215
File Cabinet (2)	\$225
Telephone	\$275
Laptop w/ Docking Station	\$960
PC Software	<u>\$215</u>
	\$2,855

Legal Assistant

Desk	\$540
Chair	\$175
Side Chair (2)	\$250
Camera	\$190
Digital Recorder	\$105
File Cabinet (2)	\$225
Telephone	\$225
Laptop w/ Docking Station	\$960
PC Software	<u>\$215</u>
	\$2,885

Detail for Projections

On-Going Costs - Trial & Appellate Divisions

Attorney

Travel @ \$250 per month	\$3,000
Office	\$500
Rent	\$1,900
Phone & Network Communications	<u>\$1,200</u>
	\$6,600

Legal Assistant

Travel @ \$125 per month	\$1,500
Office	\$175
Rent	\$1,900
Phone & Network Communications	<u>\$1,200</u>
	\$4,775

Staffing Ratios:

Requirements

Legal Assistants 2 : 1.0 Attorneys

**Trial and Appellate Divisions Case Standards
Assuming All Conflicts to Private Counsel**

COST BREAKDOWN	TOTAL COSTS	4 YEAR PHASE-IN
Personal Service		
Assistant Public Defender III - Range 30 \$50,088	206.40 \$10,338,163	51.50 \$2,579,532
Legal Assistants - Range 15 \$26,460	412.80 \$10,922,688	103.00 \$2,725,380
Total Personal Service	619.20 \$21,260,851	154.50 \$5,304,912
Expense & Equipment		
One-time Purchases		
Attorney Package \$2,855	203.33 \$580,507	52.00 \$148,460
Legal Assistant Package \$2,885	206.67 \$596,243	103.00 \$297,155
Total One-Time Purchases	\$1,176,750	\$445,615
On-Going Costs		
Attorneys \$6,600	203.33 \$1,341,978	51.50 \$339,900
Legal Assistant \$4,775	206.67 \$986,849	103.00 \$491,825
Total Personnel Related On-Going Costs	<u>\$2,328,827</u>	<u>\$831,725</u>
Total Expense and Equipment	<u>\$3,505,577</u>	<u>\$1,277,340</u>
Total Decision Item Request	\$24,766,429	\$6,582,252

NEW DECISION ITEM
RANK: 5 OF 7

Department: Office of the State Public Defender			Budget Unit 15111C						
Division: Public Defender - Legal Services									
DI Name: Caseload Relief - 4 Year Phase - In			DI# 1151001						
5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.									
	Dept Req	Dept Req	Dept Req	Dept Req	Dept Req	Dept Req	Dept Req	Dept Req	Dept Req
	GR	GR	FED	FED	OTHER	OTHER	TOTAL	TOTAL	One-Time
Budget Object Class/Job Class	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS
Assistant Public Defender 0400	2,579,532	51.5					2,579,532	51.5	
Legal Assistant 0200	2,725,380	103.0					2,725,380	103.0	
Total PS	5,304,912	154.5	0	0.0	0	0.0	5,304,912	154.5	0
Travel/140	309,000						309,000		
Supplies/190	43,775						43,775		
Communications/340	185,400						185,400		
Professional Services/ 400	4,172,238						4,172,238		
Computer Equipment & Software/480	182,125						182,125		182,125
Office Equipment/580	215,200						215,200		215,200
Other Equipment/590	48,290						48,290		48,290
Building Leases	293,550						293,550		
Total EE	5,449,578		0		0		5,449,578		445,615
Program Distributions							0		
Total PSD	0		0		0		0		0
Transfers									
Total TRF	0		0		0		0		0
Grand Total	10,754,490	154.5	0	0.0	0	0.0	10,754,490	154.5	445,615

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2013	FY 2013	FY 2014	FY 2014	FY 2015	FY 2015	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Caseload Relief - 1151001								
SECRETARY	0	0.00	0	0.00	2,725,380	103.00	0	0.00
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	2,579,532	51.50	0	0.00
TOTAL - PS	0	0.00	0	0.00	5,304,912	154.50	0	0.00
TRAVEL, IN-STATE	0	0.00	0	0.00	309,000	0.00	0	0.00
SUPPLIES	0	0.00	0	0.00	43,775	0.00	0	0.00
COMMUNICATION SERV & SUPP	0	0.00	0	0.00	185,400	0.00	0	0.00
PROFESSIONAL SERVICES	0	0.00	0	0.00	4,172,238	0.00	0	0.00
COMPUTER EQUIPMENT	0	0.00	0	0.00	182,125	0.00	0	0.00
OFFICE EQUIPMENT	0	0.00	0	0.00	215,200	0.00	0	0.00
OTHER EQUIPMENT	0	0.00	0	0.00	48,290	0.00	0	0.00
BUILDING LEASE PAYMENTS	0	0.00	0	0.00	293,550	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	5,449,578	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$10,754,490	154.50	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$10,754,490	154.50		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

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NEW DECISION ITEM

RANK: 5 OF 7

Department: Office of the State Public Defender	Budget Unit <u>15111C</u>
Division: Public Defender - Legal Services	
DI Name: Juvenile Defense Representation	DI# 1151002

1. AMOUNT OF REQUEST

FY 2015 Budget Request					FY 2015 Governor's Recommendation				
	GR	Federal	Other	Total		GR	Federal	Other	Total
PS	3,296,256	0	0	3,296,256	PS	0	0	0	0
EE	792,800	0	0	792,800	EE	0	0	0	0
PSD	0	0	0	0	PSD	0	0	0	0
TRF	0	0	0	0	TRF	0	0	0	0
Total	4,089,056	0	0	4,089,056	Total	0	0	0	0
FTE	69.00	0.00	0.00	69.00	FTE	0.00	0.00	0.00	0.00
Est. Fringe	<u>1,738,775</u>	<u>0</u>	<u>0</u>	<u>1,738,775</u>	Est. Fringe	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>					<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>				

Other Funds:

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input type="checkbox"/> Pay Plan	<input checked="" type="checkbox"/> Other: <u>Constitutionally Mandated</u>	

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

Missouri Revised Statutes - Chapter 211, entitled Juvenile Courts, Section 211.211, dated August 28, 2012 addresses Juveniles Right to Counsel and when counsel shall be appointed.

NEW DECISION ITEM
RANK: 5 **OF** 7

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Juvenile Defense Representation	DI#	1151002

1. A party is entitled to be represented by counsel in all proceedings.
2. The court shall appoint counsel for a child prior to the filing of a petition if a request is made therefor to the court and the court finds that the child is the subject of a juvenile court proceeding and that the child making the request is indigent.
3. When a petition has been filed, the court shall appoint counsel for the child when necessary to assure a full and fair hearing.
4. When a petition has been filed and the child's custodian appears before the court without counsel, the court shall appoint counsel for the custodian if it finds:
 - (1) That the custodian is indigent; and
 - (2) That the custodian desires the appointment of counsel; and
 - (3) That a full and fair hearing requires appointment of counsel for the custodian.

Missouri Supreme Court Rule 115.02(a) also addresses the Right of Juvenile to Appointed Counsel.

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

4,000 JUVENILE CASES WENT WITHOUT REPRESENTATION

Utilizing data provided from the Office of the State Court's Administrator, there were 14,342 formal juvenile cases filed statewide in 2012, of which 7,836 were abuse/neglect cases, leaving 6,506 juvenile cases where the juvenile would be entitled to an attorney. Of the 6,506 only 13% were represented by private counsel. That leaves 5,660 juvenile cases where the juvenile could need a public defender. In Fiscal Year 2013 the Missouri State Public Defender System provided representation in just 1,670 juvenile cases netting 3,990 juvenile cases where the juvenile did not have representation. Using the hours required for each case type from the ABA/RubinBrown study a juvenile case requires 16.6 of attorney time resulting in an additional 66,234 attorney hours. Using 2,080 of available attorney hours each year, the result is an additional 32 attorneys would be required to provide for effective juvenile representation statewide.

NEW DECISION ITEM
RANK: 5 **OF** 7

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Juvenile Defense Representation	DI#	1151002

6. PERFORMANCE MEASURES (If new decision item has an associated core, separately identify projected performance with & without additional funding.)

In the Spring of 2013, the National Juvenile Defender Center issued an assessment of Missouri's juvenile indigent defense representation. The report is part of a national strategy to review state juvenile indigent defense delivery systems and to evaluate how effectively attorneys in juvenile court are fulfilling their constitutional and statutory obligations to their clients.

The study concluded that little to no attention has been paid to what the MSPD caseload crisis has meant to the indigent juvenile accused. In Fiscal Year 2012 and 2013, juvenile cases made up 2.36% and 2.21% respectively, of the total cases assigned to the Trial Division .

Currently, "children facing criminal or status offenses in Missouri's juvenile justice system frequently do so without the benefit of counsel or without adequate representation through all critical stages. There are significant gaps in both access to and quality of representation provided to youth that fall well below the standards established by the Institute of Judicial Administration and American Bar Association's *Juvenile Justice Standards*, the *ABA Rules of Professional Conduct*, the *Ten Core Principles for Juvenile Indigent Defense* established by NJDC and NJDC's newly release *National Juvenile Defense Standards*. Justice is often rationed to juveniles in Missouri for a variety of reasons, not the least of which is the crisis in the public defender system...."

The Assessment itemized what the Missouri State Public Defender should do:

- Continue the longstanding efforts with the legislative branch in advocating for a fully funded indigent defense delivery system, especially for juvenile defense;
- Take the lead in reforming juvenile indigent defense and in implementing the core recommendations of this assessment;
- Promulgate practice standards for juvenile defenders that require attorneys to meet with clients prior to court proceedings, consult with clients and families about the case and social information, investigate cases, file motions as appropriate, provide vigorous and independent advocacy at detention, adjudication, disposition and post-disposition hearings, negotiate for fair and favorable plea agreements, prepare for and set trials to ensure that the government can meet its burden, and advise clients about all proceedings and consequences for any decision made;
- Create a high-impact culture for juvenile defense practice within the state that recognizes the practice as a specialized field and recruits and maintains well-trained and zealous lawyers;
- Create a state level Juvenile Division within MSPD, which can focus on enhancing appeals and other post-disposition work, providing specialized juvenile defense training, implementing juvenile defense policy work, and offering technical support for trial offices on juvenile cases;

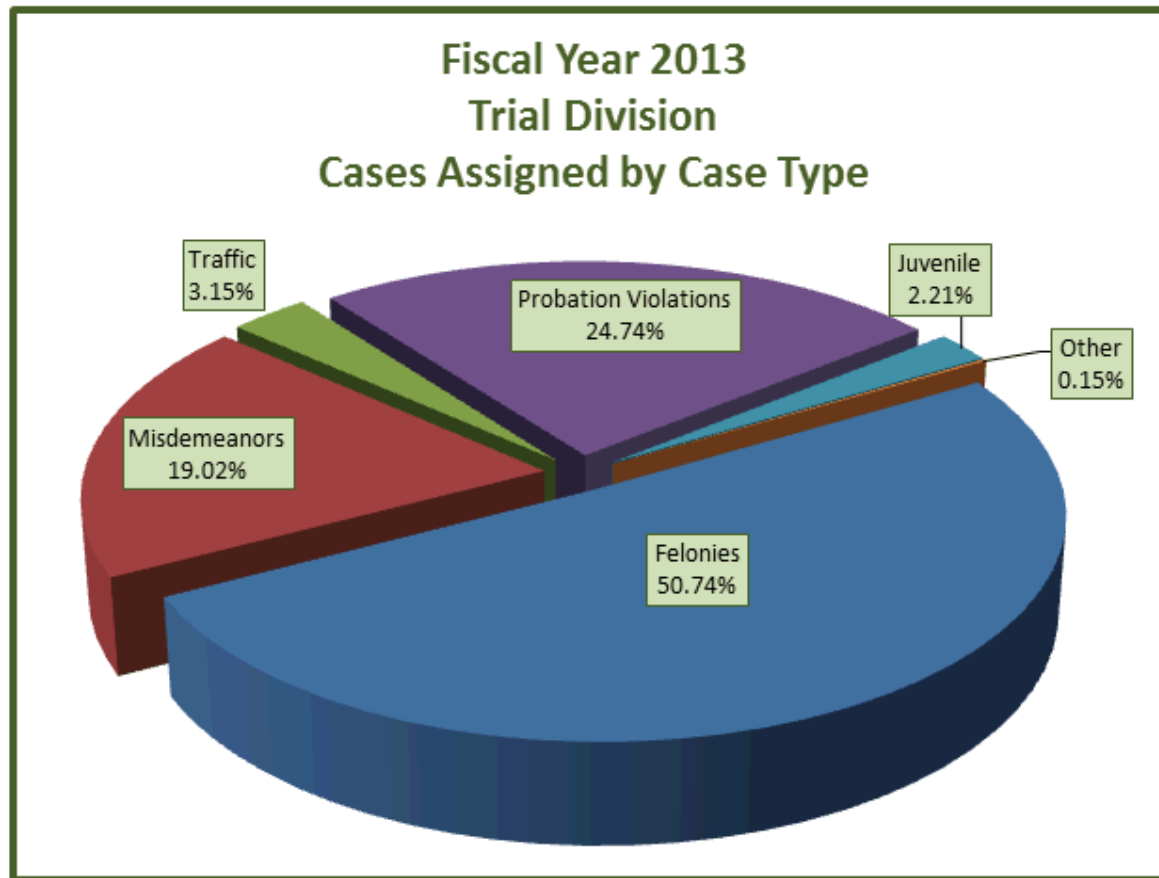
NEW DECISION ITEM
RANK: 5 **OF** 7

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Juvenile Defense Representation	DI#	1151002

- Reinstate the Youth Advocacy Units in the counties or comparable offices which can specialize in juvenile practice in large jurisdictions as well as provide assistance and consultation for smaller offices;
- Implement a means of electronic sharing across the state—e.g. listservs, social media, etc.—for those engaged in juvenile defense practices to share information and resources and provide technical assistance;
- Actively engage the law schools to further student interest and skill building in juvenile defense work and to develop potential leadership in the next generation of lawyers;
- Identify and suggest changes in court rules, which could improve access to counsel and quality of representation for youth in the delinquency system; and
- Work with and promote JDAI initiatives in participating counties to ensure that youth are provided with effective detention advocacy and that defenders are actively engaged with the JDAI committees and leadership structure. MSPD should be an active participant in the state leadership group for JDAI.

Juvenile Representation	
COST BREAKDOWN	TOTAL COSTS
Personal Service	
Assistant Public Defender III - Range 30 \$50,088	32.00 \$1,602,816
Legal Assistants - Range 15 \$26,460	64.00 <u>\$1,693,440</u>
Total Personal Service	96.00 \$3,296,256
Expense & Equipment	
One-time Purchases	
Attorney Package \$2,855	32.00 \$91,360
Legal Assistant Package \$2,885	64.00 <u>\$184,640</u>
Total One-Time Purchases	\$276,000
On-Going Costs	
Attorneys \$6,600	32.00 \$211,200
Legal Assistant \$4,775	64.00 <u>\$305,600</u>
Total Personnel Related On-Going Costs	<u>\$516,800</u>
Total Expense and Equipment	<u>\$792,800</u>
Total Decision Item Request	\$4,089,056

In Fiscal Year 2013, Juvenile Caseload was only 2.2% of all cases in which the Public Defender provided representation.



NEW DECISION ITEM
RANK: 5 OF 7

Department: Office of the State Public Defender				Budget Unit		15111C			
Division: Public Defender - Legal Services									
DI Name: Juvenile Defense Representation				DI# 1151002					
5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.									
	Dept Req			Dept Req	Dept Req	Dept Req	Dept Req	Dept Req	Dept Req
	GR	Dept Req		FED	FED	OTHER	OTHER	TOTAL	TOTAL
Budget Object Class/Job Class	DOLLARS	GR	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE
									One-Time
									DOLLARS
Assistant Public Defender 0400	1,602,816		23.0					1,602,816	23.0
Legal Assistant 0200	1,693,440		46.0					1,693,440	46.0
Total PS	3,296,256		69.0	0	0.0	0	0.0	3,296,256	69.0
									0
Travel/140	192,000							192,000	
Supplies/190	27,200							27,200	
Communications/340	115,200							115,200	
Computer Equipment & Software/480	112,800							112,800	112,800
Office Equipment/580	121,120							121,120	121,200
Other Equipment/590	42,080							42,080	42,080
Building Leases	182,400							182,400	
								0	
Total EE	792,800			0		0		792,800	276,080
Grand Total	4,089,056		69.0	0	0.0	0	0.0	4,089,056	69.0
									276,080

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2013	FY 2013	FY 2014	FY 2014	FY 2015	FY 2015	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Juvenile Representation - 1151002								
SECRETARY	0	0.00	0	0.00	1,693,440	64.00	0	0.00
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	1,602,816	32.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	3,296,256	96.00	0	0.00
TRAVEL, IN-STATE	0	0.00	0	0.00	192,000	0.00	0	0.00
SUPPLIES	0	0.00	0	0.00	27,200	0.00	0	0.00
COMMUNICATION SERV & SUPP	0	0.00	0	0.00	115,200	0.00	0	0.00
COMPUTER EQUIPMENT	0	0.00	0	0.00	112,800	0.00	0	0.00
OFFICE EQUIPMENT	0	0.00	0	0.00	121,120	0.00	0	0.00
OTHER EQUIPMENT	0	0.00	0	0.00	42,080	0.00	0	0.00
BUILDING LEASE PAYMENTS	0	0.00	0	0.00	182,400	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	792,800	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$4,089,056	96.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$4,089,056	96.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

NEW DECISION ITEM
RANK: 5 OF 7

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Information Technology - Keeping Up	1151003	

1. AMOUNT OF REQUEST

	FY 2015 Budget Request			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	254,820	0	0	254,820
PSD	0	0	0	0
TRF	0	0	0	0
Total	254,820	0	0	254,820
FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>				

Other Funds:

	FY 2015 Governor's Recommendation			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0
FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>				

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input type="checkbox"/> Pay Plan	<input checked="" type="checkbox"/> Other: <u>Increased Costs of Technology</u>	

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

MSPD cannot improve or expand our network infrastructure again without additional funding. In the last four years, the use of technological resources and information has expanded at an amazing rate, both through the Internet and the state's private network. However, internet access and current technology tools are only as fast as the slowest link--that "last mile." The PD system has a total of 37 "last miles" – one for each of its locations around the state. The Public Defender system cannot fully utilize all these new technology resources because of our limited network infrastructure.

NEW DECISION ITEM

RANK: 5 OF 7

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Information Technology - Keeping Up	1151003	

Missouri State Public Defender's budget for it's wide area network has remained stagnant since 2005.

In September of 2008, the MSPD system bid a contract for an upgraded wide area network infrastructure. We were able to outsource the management of the WAN and increase the bandwidth to all offices for the same amount of funds expended in the previous years.

Mobile work force: To more efficiently and effectively utilize our employees' time, we are attempting to support a more mobile work force by switching from desktop PC's for attorneys and investigators to laptops. Even though more locations, including courts and businesses, are supplying Internet access to the public, the Public Defender system cannot reap all those benefits due to the inability of our own infrastructure to adequately support our end of the connection. Once our mobile employees sign onto our network, accessing their case management system and internal computer resources can be, and frequently is, painfully slow.

Resources pulling on MSPD's wide area network include:

- Missouri Courts new mandatory E-Filing initiative
- Electronic Discovery from the prosecutors
- Access to Department of Revenue for driving history and vehicle access
- Increased use of Web-based investigative tools
- Internet-based advanced legal research tools
- Secretary of State's web-based archiving system
- Highway Patrol electronic criminal records
- Web-based training
- Video conferencing

NEW DECISION ITEM

RANK: 5 OF 7

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Information Technology - Keeping Up	1151003	

- SAM II
- BRASS
- Supreme Court oral arguments
- Senate and House audio
- Employee access to their payroll, health care, and financial benefits

In addition to the above, MSPD is seeking access to Social Service and Department of Labor records through which we can electronically verify financial and aid information on applications for public defender services.

Distribution of Electronic Discovery and Critical Software Updates: The Missouri State Public Defender has partnered with many prosecutors around the state to receive discovery in digital form. Distributing large digital discovery over the current MSPD network to the appropriate offices must be done outside of regular business hours to prevent disruption of other regular daily business. We routinely receive e-discovery containing video and audio files which congest our system. Also completed outside of regular business hours is the deployment of critical files to protect computers and servers. All must be updated nightly with the latest anti-virus software and patches to the installed software programs. These processes are taking longer and longer to complete because of limited Wide Area Network (WAN) speeds. Also, attorneys utilizing the networks to work late into the evening and in early morning hours severely limit the number of hours available for these crucial functions.

Information Technology Support: MSPD has a very small IT staff. As a result, they rely heavily upon remote access tools to view and control MSPD employee computers all around the state in order to solve problems and provide needed assistance -- avoiding the delay and cost involved in travel time to provide in-person IT assistance. Unfortunately, more and more frequently, MSPD attorneys and investigators are encountering challenges in playing the wide variety of surveillance and other digital evidence associated with their cases, but MSPD's network is not sufficient to allow IT to remotely assist employees with the operation of these very large electronic files. Faster network access is essential for the IT Department to get equipment fixed in a timely fashion and help employees get to back to work faster.

NEW DECISION ITEM

RANK: 5 OF 7

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Information Technology - Keeping Up	1151003	

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

Larger Information Technology Pipelines to Every Public Defender Office
\$405 Additional per Month for 12 Months for 38 Locations \$184,680

Wifi Hotspot for all non Wifi Courtrooms
There are 334 Circuit and Associate Judges in the State
Estimate 1/2 do not have wifi accessibility in their Courtrooms
\$35 per Month for 12 months for 167 courts \$70,140
\$254,820

NEW DECISION ITEM
RANK: 5 OF 7

Department: Office of the State Public Defender	Budget Unit: 15111C								
Division: Public Defender - Legal Services									
DI Name: Information Technology - Keeping Up 1151003									
5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.									
Budget Object Class/Job Class	Dept Req GR DOLLARS	Dept Req GR FTE	Dept Req FED DOLLARS	Dept Req FED FTE	Dept Req OTHER DOLLARS	Dept Req OTHER FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	Dept Req One-Time DOLLARS
							0	0.0	
							0	0.0	
Total PS	<u>0</u>	<u>0.0</u>	<u>0</u>	<u>0.0</u>	<u>0</u>	<u>0.0</u>	<u>0</u>	<u>0.0</u>	<u>0</u>
Communications/340	254,820						0	254,820	
							0		
Total EE	<u>254,820</u>		<u>0</u>		<u>0</u>		<u>254,820</u>		<u>0</u>
Grand Total	<u>254,820</u>	<u>0.0</u>	<u>0</u>	<u>0.0</u>	<u>0</u>	<u>0.0</u>	<u>254,820</u>	<u>0.0</u>	<u>0</u>

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2013	FY 2013	FY 2014	FY 2014	FY 2015	FY 2015	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Information Technology Update - 1151003								
COMMUNICATION SERV & SUPP	0	0.00	0	0.00	254,820	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	254,820	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$254,820	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$254,820	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

NEW DECISION ITEM
RANK: 5 OF 7

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Missouri Bar Dues Increase	DI#	1151004

1. AMOUNT OF REQUEST

	FY 2015 Budget Request			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	22,125	0	0	22,125
PSD	0	0	0	0
TRF	0	0	0	0
Total	22,125	0	0	22,125
FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>				

Other Funds:

	FY 2015 Governor's Recommendation			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0
FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>				

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input type="checkbox"/> Pay Plan	<input checked="" type="checkbox"/> Other: Increase in Attorney Enrollment Fee	

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

The Missouri Bar Board of Governors Approves Proposed Increase to Enrollment Fees for 2014

The Missouri Bar Board of Governors voted to approve a proposed \$75 enrollment fee increase for members in Category 1 and Category 3, only the third increase in almost three decades. The increase, would take effect January 2014. Licensing fees for attorneys in Category 2 would stay the same. These are not optional organization dues, but licensing fees required and necessary to practice law in the State of Missouri.

NEW DECISION ITEM

RANK: 5 OF 7

Department: Office of the State Public Defender	Budget Unit <u>15111C</u>
Division: Public Defender - Legal Services	
DI Name: Missouri Bar Dues Increase	DI# 1151004

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

Attorney Fee Categories

- **Category 1** - Licensed by examination for over three years or licensed by Rule 8.10 or 8.105, and either residing, practicing or employed in Missouri. **Last FY there were 295 Public Defenders in this category.**

An additional \$75 per attorney would result in an annual increase of \$22,125.

- **Category 2** – Licensed less than three years by examination and either residing, practicing or employed in Missouri.
- **Category 3** – Licensed but neither residing, practicing nor employed in Missouri. - Inactive fee pursuant to Rule 6.03(b)

NEW DECISION ITEM

RANK: 5 OF 7

Department: Office of the State Public Defender	Budget Unit <u>15111C</u>								
Division: Public Defender - Legal Services									
DI Name: Missouri Bar Dues Increase DI# 1151004									
5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.									
Budget Object Class/Job Class	Dept Req GR DOLLARS	Dept Req GR FTE	Dept Req FED DOLLARS	Dept Req FED FTE	Dept Req OTHER DOLLARS	Dept Req OTHER FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	Dept Req One-Time DOLLARS
							0	0.0	
							0	0.0	
Total PS	<u>0</u>	<u>0.0</u>	<u>0</u>	<u>0.0</u>	<u>0</u>	<u>0.0</u>	<u>0</u>	<u>0.0</u>	<u>0</u>
Organization Memberships/320	22,125						22,125		
							0		
Total EE	<u>22,125</u>		<u>0</u>		<u>0</u>		<u>22,125</u>		<u>0</u>
Grand Total	<u>22,125</u>	<u>0.0</u>	<u>0</u>	<u>0.0</u>	<u>0</u>	<u>0.0</u>	<u>22,125</u>	<u>0.0</u>	<u>0</u>

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2013	FY 2013	FY 2014	FY 2014	FY 2015	FY 2015	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Missouri Bar Dues - 1151004								
PROFESSIONAL DEVELOPMENT	0	0.00	0	0.00	22,125	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	22,125	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$22,125	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$22,125	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

NEW DECISION ITEM
RANK: 6 OF 7

Department: Office of the State Public Defender	Budget Unit <u>15111C</u>
Division: Public Defender - Legal Services	
DI Name: Juvenile Sentenced to Life Without Parole DI# 1151005	

1. AMOUNT OF REQUEST

	FY 2015 Budget Request			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	1,260,000	0	0	1,260,000
PSD	0	0	0	0
TRF	0	0	0	0
Total	1,260,000	0	0	1,260,000
<hr/>				
FTE	0.00	0.00	0.00	0.00

Est. Fringe	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>				

Other Funds:

	FY 2015 Governor's Recommendation			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0
<hr/>				
FTE	0.00	0.00	0.00	0.00

Est. Fringe	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>				

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input type="checkbox"/> Pay Plan	<input checked="" type="checkbox"/> Other: <u>Case Law</u>	

NEW DECISION ITEM

RANK: 6 OF 7

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Juvenile Sentenced to Life Without Parole DI# 1151005		

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

In June 2012, the U.S. Supreme Court in Miller v. Alabama held that mandatory life sentences without parole for juvenile criminal offenders are unconstitutional. As a result, there is no punishment for first degree murder under current law in Missouri that is enforceable against those who committed murder before they turned 18.

With the help of Washington University, the Office of the State Public Defender has identified 84 individuals currently serving life without parole in violation of Miller v. Alabama.

MSPD anticipates it will be responsible for all litigation expenses for the hiring of experts, investigations, and travel costs associated with new sentencing hearings in all 84 cases. Such sentencing hearings will be the equivalent of a penalty phase in a capital prosecution.

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

MSPD is familiar with the expenses involved in such penalty phase hearings as a result of its experience handling capital prosecutions. It is anticipated that each such hearing will involve anywhere from \$10,000 to \$25,000 in litigation expenses depending on the age of the case and the availability of evidence in mitigation of punishment less than life without parole. Assuming an average of \$15,000 per case, MSPD will require approximately \$1,260,000 to properly prepare for the new sentencing hearings.

$$\$15,000 * 84 \text{ cases pending} = \$1,260,000$$

NEW DECISION ITEM

RANK: 6 OF 7

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Juvenile Sentenced to Life Without Parole	DI#	1151005

5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.

Budget Object Class/Job Class	Dept Req GR DOLLARS	Dept Req GR FTE	Dept Req FED DOLLARS	Dept Req FED FTE	Dept Req OTHER DOLLARS	Dept Req OTHER FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	Dept Req One-Time DOLLARS
							0	0.0	
							0	0.0	
Total PS	0	0.0	0	0.0	0	0.0	0	0.0	0
							0		
Professional Services/400	1,260,000						1,260,000		
							0		
Total EE	1,260,000		0		0		1,260,000		0
Grand Total	1,260,000	0.0	0	0.0	0	0.0	1,260,000	0.0	0

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2013	FY 2013	FY 2014	FY 2014	FY 2015	FY 2015	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Juvenile Life Without Parole - 1151005								
PROFESSIONAL SERVICES	0	0.00	0	0.00	1,260,000	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	1,260,000	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$1,260,000	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$1,260,000	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

NEW DECISION ITEM
RANK: 7 OF 7

Department: Office of the State Public Defender					Budget Unit: 15111C				
Division: Public Defender - Legal Services									
DI Name: Office Space Requirements					DI# 1151006				
1. AMOUNT OF REQUEST									
FY 2015 Budget Request					FY 2015 Governor's Recommendation				
	GR	Federal	Other	Total		GR	Federal	Other	Total
PS	0	0	0	0	PS	0	0	0	0
EE	1,901,438	0	0	1,901,438	EE	0	0	0	0
PSD	0	0	0	0	PSD	0	0	0	0
TRF	0	0	0	0	TRF	0	0	0	0
Total	1,901,438	0	0	1,901,438	Total	0	0	0	0
FTE	0.00	0.00	0.00	0.00	FTE	0.00	0.00	0.00	0.00
Est. Fringe	0	0	0	0	Est. Fringe	0	0	0	0
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>					<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>				
Other Funds:					Other Funds:				
2. THIS REQUEST CAN BE CATEGORIZED AS:									
<input type="checkbox"/> New Legislation <input type="checkbox"/> Federal Mandate <input type="checkbox"/> GR Pick-Up <input type="checkbox"/> Pay Plan					<input type="checkbox"/> New Program <input type="checkbox"/> Program Expansion <input checked="" type="checkbox"/> Space Request <input type="checkbox"/> Other:				
					<input type="checkbox"/> Fund Switch <input type="checkbox"/> Cost to Continue <input type="checkbox"/> Equipment Replacement				

NEW DECISION ITEM

RANK: 7 OF 7

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Office Space Requirements	DI#	1151006

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

When the Missouri State Public Defender System was established, the burden and expense of office space and utility services for local public defender offices was placed on the counties served by that office. That burden remains today in the form of RSMo. 600.040.1 which reads:

The city or county shall provide office space and utility services, other than telephone service, for the circuit or regional public defender and his personnel. If there is more than one county in a circuit or region, each county shall contribute, on the basis of population, its pro rata share of the costs of office space and utility services, other than telephone service. The state shall pay, within the limits of the appropriation therefore, all other expenses and costs of the state public defender system authorized under this chapter.

Not only do some county governments object to and resent being required to pay for office space for a Department of State Government, but TAFP SS for SCS for HCS for HB 215 requires that by December 31, 2018 the Public Defender district office representation boundaries coincide with existing Judicial Circuits boundaries. This effort could result in the cancellation/consolidation of existing leases held by the counties currently being provided representation from an existing office. This task is nearly impossible because MSPD is not in control of the county budgets or in control of the leases the counties have previously signed. If the responsibility for Public Defender office space rested with the Public Defenders, (MSPD) then we could move toward meeting this newly imposed statutory requirement.

HISTORY OF CHALLENGES

In 1997, the legislature responded to the refusal of some counties to provide or pay for Public Defender office space. Language was added to House Bill 5, allowing for the interception of prisoner per diem payments to counties failing to meet their obligations under 600.040. The state has intercepted some money intended for counties that scoffed at their obligation, however the interceptions and threat of interceptions have put great strain on state-county relations.

NEW DECISION ITEM

RANK: 7 OF 7

Department: Office of the State Public Defender	Budget Unit <u>15111C</u>
Division: Public Defender - Legal Services	
DI Name: Office Space Requirements	DI# 1151006

In 1999, the legislature once again addressed the problem of providing Public Defender office space. A new section, (RSMo. 600.101), was added which allows disputes between counties and the State Public Defender to be submitted to the Judicial Finance Commission (RSMo. 477.600). Section 600.101 also calls for a study and report from the Judicial Resources Commission to be prepared for the chairs of the House and Senate Judiciary Committees, Senate Appropriations Committee, and House Budget Committee. In 2008, the Missouri State Public Defender System and the counties of Public Defender Area 36, Butler, Carter, Ripley and Wayne found it necessary to take a dispute to this commission.

Today, some county governments provide public defender office space in county courthouses or other county owned facilities, some counties rent office space and pay their pro rata share of that rent as required by statute. Some counties, strapped for office space for their own county officials, provide woefully inadequate space in county facilities.

Disputes have not only concerned whether or not office space will be provided at all, they have included where and what space will be provided. Either because of economic necessity or in passive resistance to their obligation, some counties house the Public Defender in inadequate facilities. Public Defenders have endured the indignities of insect infestation, lack of privacy, leaky roofs, cramped quarters, and black mold to name a few.

Counties simply have no interest in the adequacy of the Public Defender facilities, especially when they don't want to provide space at all. Most of our offices serve multiple counties. It is a logistical nightmare to get multiple commissioners in multiple counties to sign off on every change to a lease involving one of our offices. (including no less than 33 commissioners in our Chillicothe office, which covers 11 counties!) While MSPD has not recently received significant additional staffing, we do move positions among offices based upon growing/dropping caseload. A number of counties refuse to provide or pay for additional space to accommodate growing defender staff, a problem that will multiply if additional staffing is forthcoming in this legislative session.

SOME OF THE CHALLENGES CURRENTLY BEING FACED ARE:

- Attorneys doubled up in offices, making a confidential client meeting impossible;
- Attorneys literally setting up an office in the telephone / computer server closet, as well as taking over all public space in the office – break room, conference room, library – so that these generally standard areas in a law office are no longer available anywhere within in the office;
- Having to install locks on all filing cabinets and moving them into a public hallway to free up space for staff to squeeze in another desk;

NEW DECISION ITEM

RANK: 7 OF 7

Department: Office of the State Public Defender	Budget Unit <u>15111C</u>
Division: Public Defender - Legal Services	
DI Name: Office Space Requirements	DI# 1151006

- MSPD picking up the difference in the rent for additional essential space in a few situations despite a lack of funding for that purpose.
- Counties fighting with MSPD and among themselves when more than one county covered by an office has available 'free' county space and doesn't want to contribute cash to another county instead. These disputes have escalated to lawsuits between counties on at least one occasion. The State Public Defender Commission is interested in locating offices in multi-county Districts where they will be the most effective and efficient use of state resources. Counties do not share that interest, preferring the office to be located where it will cost the least and have the most positive economic impact on their local economy, efficiency and the desires of other counties and the State Public Defender notwithstanding.
- Some counties flatly refusing to pay any rent for an office not located in their county, with the result that MSPD must pick up their portion of the lease cost, despite a lack of funding for this purpose. There is a provision for the state to intercept prisoner per diem reimbursement costs to cover unpaid county liabilities for public defender office space, but when MSPD tried to invoke this provision in the past, we were asked by the then gubernatorial administration to forego the remedy because of the hostility being caused between the state and the counties as a result of the intercept.
- Receiving an eviction notice because six counties refused to pay, between them, a total increase of \$48.67 per month imposed by the landlord. To prevent the eviction, MSPD agreed to pay the difference. This office has now been relocated.
- Some counties providing space that is in very poor shape and unfit for a law office. We have been placed in office space where the ceiling tiles were crumbling onto the attorneys' desks, in offices with severe mold conditions, asbestos, cockroaches, termite and spider infestations. Such unsuitable and difficult working conditions undoubtedly contribute to our turnover, as well as to reduced productivity, yet MSPD's hands are tied.

The State Public Defender is not seeking fancy, luxurious offices. Its interest is to have facilities adequate to ensure efficient, effective use of personnel and other resources appropriated to the Department.

NEW DECISION ITEM

RANK: 7 OF 7

Department: Office of the State Public Defender	Budget Unit <u>15111C</u>
Division: Public Defender - Legal Services	
DI Name: Office Space Requirements	DI# 1151006

In summary, the current statutory scheme requires counties to cooperate with each other, and with this Department, to provide office space for a Department of State Government. They do so under the threat of prisoner per diem interceptions. It is a formula for conflict between the State Public Defender and counties, as well as between counties of multi-county districts. The problem is sure to get worse in the future. Under the current statute, Missouri's Public Defender Commission is unable to establish and/or expand offices as needed or where needed as caseload varies from year to year.

The physical plant of local public defender offices varies greatly, depending upon the ability and/or willingness of local county governments to provide office space. Some public defender offices have adequate space, which greatly enhances their efficiency. Other offices have completely inadequate space and their ability to effectively and efficiently accomplish their mission is greatly reduced. Under the current statute, the administration can do little to ensure the adequacy and uniformity of office space in local public defender offices.

A change in the legislation, specifically repealing portions of RSMo. 600.040.1, is recommended. Although probably adequate at the time the public defender system was first organized, this Department has grown far beyond its humble beginnings and the original intent of RSMo. 600.040.1.

The legislature, judiciary and public demand a swift, efficient administration of justice. In order to meet that demand, the Missouri Public Defender System needs adequate, efficient physical plants in all its offices. This need is simply not being met under the current statutory scheme.

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

Please see the Spreadsheet on the following page.

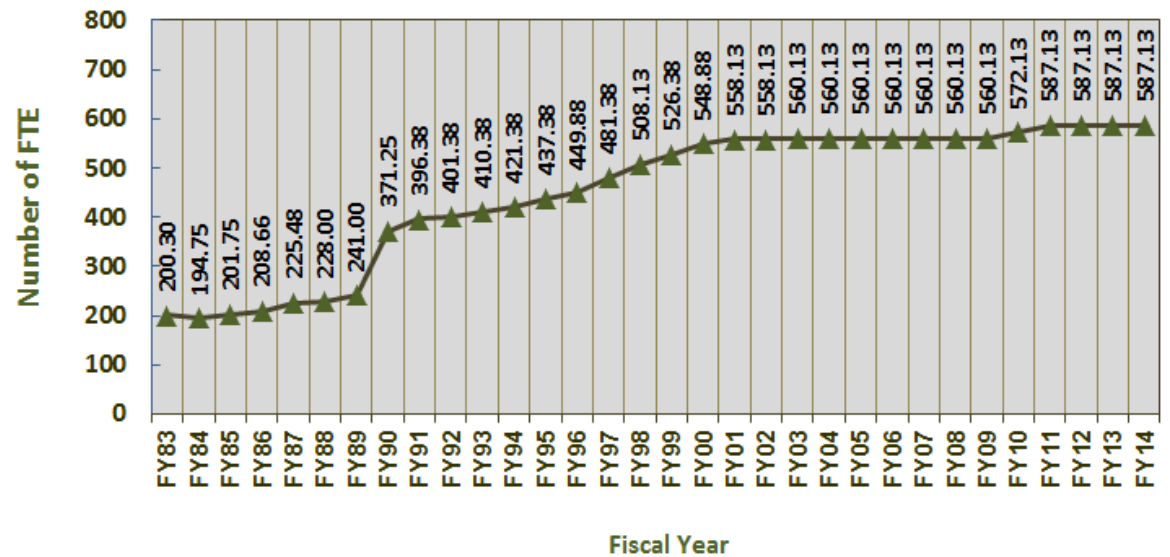
Cost of Renting Office Space for All Local Public Defender Offices
Revised August 19, 2013

Office	Est. Sq. Ft	Total Rent	Estimated Utilities	Janitor/ Trash	Total Cost	Comment
Kirksville	2,060	\$14,400	Inclusive	\$1,800	\$16,200	Counties Lease - Expires 05/31/2017
Maryville	2,060	\$12,000	Inclusive	\$1,800	\$13,800	Counties Lease - Expires 09/30/2020
St. Joseph	5,400	\$32,600	Inclusive	County	\$32,600	County Lease - Expires 06/15/2013
Liberty	6,200	\$75,950		County	\$75,950	In County Owned Space (\$12.25 per sq ft)
Hannibal	2,625	\$29,500	Inclusive	\$2,700	\$32,200	Counties Lease - Expires 12/31/2014
St. Charles	3,675	\$45,000			\$45,000	In Courthouse (\$12.25 per sq ft)
Fulton	3,440	\$38,700		\$3,000	\$41,700	In County Owned Space (\$11.25 per sq ft)
Columbia	6,085	\$65,775		\$6,500	\$72,275	In County Owned Space (\$12.25 Per sq ft)
Moberly	2,900	\$30,000	Inclusive	\$3,600	\$33,600	Counties Lease - Expires 12/31/2017
Sedalia	3,675	\$38,500	Inclusive	\$3,000	\$41,500	Counties Lease - Lease Expired 1995
Kansas City	14,575	\$200,035	Inclusive	\$0	\$317,238	County Lease - Lease Expires 07/30/2019
Harrisonville	4,500	\$66,915		\$4,420	\$71,335	Counties Lease - Expires 08/31/2017
Jefferson City	3,750	\$42,200			\$42,200	In County Owned Space (\$11.25 per sq ft)
Union	3,225	\$40,325	Inclusive	\$3,600	\$43,925	In County Owned Space (\$12.25 per sq ft)
St. Louis County	8,815	\$176,300	Inclusive	\$33,000	\$209,300	In Courthouse (\$20 per sq ft)
St. Louis City	13,125	\$26,500	Inclusive	\$50,000	\$76,500	In Carnahan Courthouse (\$20 per sq ft)
Hillsboro	3,345	\$37,500	\$0	\$3,000	\$40,500	In Courthouse (\$11.25 per sq ft)
Farmington	4,641	\$52,215		\$3,000	\$55,215	Counties Lease - Expired 06/30/2010 (\$11.25)
Rolla	7,084	\$36,000		\$3,600	\$39,600	Counties Lease - Expires 01/31/2018
Lebanon	4,100	\$28,800	\$7,200	\$2,700	\$38,700	Counties Lease - Expires 12/31/2014
Nevada	3,000	\$24,840	Inclusive	\$1,800	\$26,640	Counties Lease - Expires 12/31/2016
Carthage	6,700	\$100,500		\$25,000	\$125,500	In County Owned Space -Inadequate (\$15 sq ft)
Bolivar	3,500	\$18,600	\$4,650	\$3,600	\$26,850	Counties Lease-Expires 06/30/2018
Springfield	8,728	\$129,528	Inclusive	\$9,000	\$138,528	Counties Lease - Expires 06/30/2019
Jackson	5,377	\$60,500		\$3,000	\$63,500	In County Owned Space (\$11.25 per sq ft)
Caruthersville	3,300	\$25,575	Inclusive	\$1,800	\$27,375	Counties Lease - Expired 05/31/2013 (\$7.75 sq ft)
Kennett	3,500	\$27,125	\$6,781	\$1,800	\$35,706	In County Rented Space (\$7.75 per sq ft)
Poplar Bluff	4,480	\$48,150	\$18,000	\$4,800	\$70,950	Counties/State Lease Expires 01/31/2016
West Plains	4,800	\$37,200	Inclusive	\$1,500	\$38,700	Counties Lease - Expires 12/31/2016
Monett	4,600	\$46,000	\$11,500	\$3,600	\$61,100	Counties Lease - Expires 09/30/13(\$10 sq ft)
Chillicothe	4,500	\$30,000	Inclusive	\$2,100	\$32,100	Counties Lease - Expires 12/31/2017
Ava	4,560	\$28,500		\$1,920	\$30,420	Counties Lease - Expires 05/31/2015
Troy	3,225	\$34,650	\$7,500	\$1,800	\$43,950	In County Owned Space (\$10.75 sq ft)
Columbia Defenderplex	22,450	\$305,000	\$35,000	\$0	\$340,000	State Public Defender Pays
St. Louis Defenderplex	15,959	\$216,114	Inclusive	\$0	\$216,114	State Public Defender Pays
KC Defenderplex	8,765	<u>\$134,650</u>	Inclusive	\$0	\$134,650	State Public Defender Pays
	212,724	\$2,356,147	\$90,631	\$187,440	\$2,634,218	
	Less: Current Agency Payments				\$732,780	
Total Implementation Costs					\$1,901,438	

FTE Growth By Fiscal Year

Fiscal Year	Number of FTE	Fiscal Year	Number of FTE
FY83	200.30	FY99	526.38
FY84	194.75	FY00	548.88
FY85	201.75	FY01	558.13
FY86	208.66	FY02	558.13
FY87	225.48	FY03	560.13
FY88	228.00	FY04	560.13
FY89	241.00	FY05	560.13
FY90	371.25	FY06	560.13
FY91	396.38	FY07	560.13
FY92	401.38	FY08	560.13
FY93	410.38	FY09	560.13
FY94	421.38	FY10	572.13
FY95	437.38	FY11	587.13
FY96	449.88	FY12	587.13
FY97	481.38	FY13	587.13
FY98	508.13	FY14	587.13

- State Public Defender - FTE Growth



NEW DECISION ITEM
RANK: 7 OF 7

Department: Office of the State Public Defender			Budget Unit 15111C						
Division: Public Defender - Legal Services									
DI Name: Office Space Requirements			DI# 1151006						
5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.									
	Dept Req	Dept Req	Dept Req	Dept Req	Dept Req	Dept Req	Dept Req	Dept Req	Dept Req
	GR	GR	FED	FED	OTHER	OTHER	TOTAL	TOTAL	One-Time
Budget Object Class/Job Class	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS
							0	0.0	
							0	0.0	
Total PS	0	0.0	0	0.0	0	0.0	0	0.0	0
Fuel & Utilities/180	90,631						90,631		
Housekeeping & Janitorial/420	187,440						187,440		
Building Lease Payments/680	1,623,367						1,623,367		
Total EE	1,901,438		0		0		1,901,438		0
Grand Total	1,901,438	0.0	0	0.0	0	0.0	1,901,438	0.0	0

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2013	FY 2013	FY 2014	FY 2014	FY 2015	FY 2015	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Office Space Requirements - 1151006								
FUEL & UTILITIES	0	0.00	0	0.00	90,631	0.00	0	0.00
HOUSEKEEPING & JANITORIAL SERV	0	0.00	0	0.00	187,440	0.00	0	0.00
BUILDING LEASE PAYMENTS	0	0.00	0	0.00	1,623,367	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	1,901,438	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$1,901,438	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$1,901,438	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

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Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2013	FY 2013	FY 2014	FY 2014	FY 2015	FY 2015	*****	*****
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
GRANTS								
CORE								
PROGRAM-SPECIFIC								
PUBLIC DEFENDER-FEDERAL & OTHR	0	0.00	125,000	0.00	125,000	0.00	0	0.00
TOTAL - PD	0	0.00	125,000	0.00	125,000	0.00	0	0.00
TOTAL	0	0.00	125,000	0.00	125,000	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$125,000	0.00	\$125,000	0.00	\$0	0.00

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CORE DECISION ITEM

Department:	Office of the State Public Defender	Budget Unit	15131 C
Division:	Public Defender - Federal & Other		
Core:	Core Request		

1. CORE FINANCIAL SUMMARY

	FY 2015 Budget Request			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	125,000	125,000
TRF	0	0	0	0
Total	0	0	125,000	125,000

FTE 0.00 0.00 0.00 0.00

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

	FY 2015 Governor's Recommendation			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0

FTE 0.00 0.00 0.00 0.00

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. CORE DESCRIPTION

Appropriation is requested to have spending authority should Federal or Other Funds become available during Fiscal Year 2015 to assist in funding the State Public Defender System.

3. PROGRAM LISTING (list programs included in this core funding)

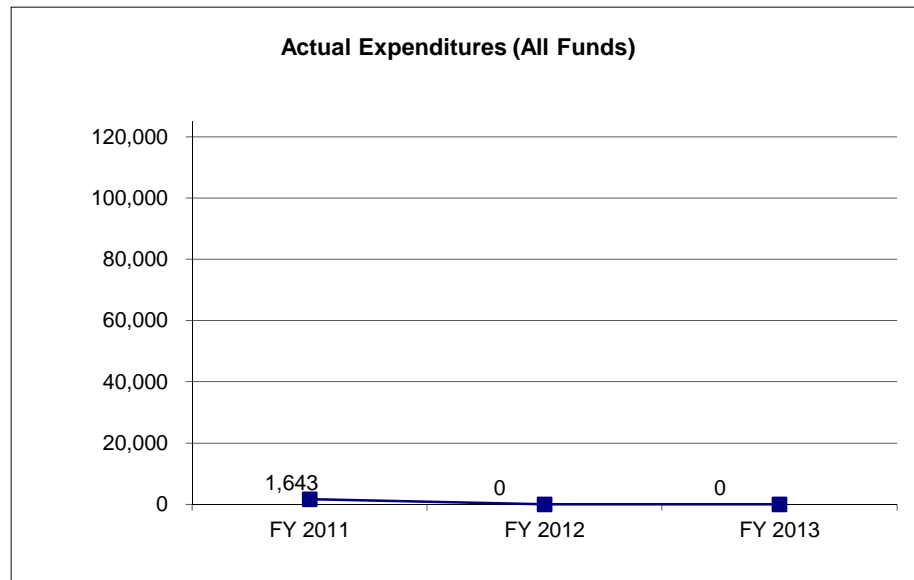
CORE DECISION ITEM

Department: Office of the State Public Defender
Division: Public Defender - Federal & Other
Core: Core Request

Budget Unit 15131 C

4. FINANCIAL HISTORY

	FY 2011 Actual	FY 2012 Actual	FY 2013 Actual	FY 2014 Current Yr.
Appropriation (All Funds)	125,000	125,000	125,000	125,000
Less Reverted (All Funds)	0	0	0	0
Budget Authority (All Funds)	125,000	125,000	125,000	125,000
Actual Expenditures (All Funds)	1,643	0	0	0
Unexpended (All Funds)	123,357	125,000	125,000	125,000
Unexpended, by Fund:				
General Revenue	0	0	0	0
Federal	0	0	0	0
Other	0	0	0	0



Reverted includes Governor's standard 3 percent reserve (when applicable) and any extraordinary expenditure restrictions.

NOTES:

Appropriation is requested to have spending authority should Federal or Other Funds become available during Fiscal Year 2015 to assist in funding the State Public Defender System.

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2013	FY 2013	FY 2014	FY 2014	FY 2015	FY 2015	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
GRANTS								
CORE								
PROGRAM DISTRIBUTIONS	0	0.00	125,000	0.00	125,000	0.00	0	0.00
TOTAL - PD	0	0.00	125,000	0.00	125,000	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$125,000	0.00	\$125,000	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$125,000	0.00	\$125,000	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

**STATE OF MISSOURI
FUND FINANCIAL SUMMARY**

DEPARTMENT: 151
FUND NAME: Federal & Other
FUND NUMBER: 0112

<input type="checkbox"/> Statute _____ <input type="checkbox"/> Constitution _____	<input type="checkbox"/> Administratively Created <input type="checkbox"/> Interest Deposited To Fund	<input checked="" type="checkbox"/> Subject To Biennial Sweep <input type="checkbox"/> Subject to Other Sweeps (see notes)
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	FY 2013 ADJUSTED APPROP	FY 2013 ACTUAL SPENDING	FY 2014 ADJUSTED APPROP	FY 2015 REQUESTED	FY 2015 GOVERNOR RECOMMEND
FUND OPERATIONS					
BEGINNING CASH BALANCE	0	0	0	0	0
RECEIPTS:					
REVENUE (Cash Basis: July 1 - June 30)	0	0	0	0	0
TRANSFERS IN	0	0	0	0	0
TOTAL RECEIPTS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL RESOURCES AVAILABLE	0	0	0	0	0
APPROPRIATIONS (INCLUDES REAPPROPS):					
OPERATING APPROPS	0	0	0	0	0
TRANSFER APPROPS	0	0	0	0	0
CAPITAL IMPROVEMENTS APPROPS	0	0	0	0	0
TOTAL APPROPRIATIONS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
BUDGET BALANCE	0	0	0	0	0
UNEXPENDED APPROPRIATION *	0	0	0	0	0
OTHER ADJUSTMENTS	0	0	0	0	0
ENDING CASH BALANCE	0	0	0	0	0
FUND OBLIGATIONS					
ENDING CASH BALANCE	0	0	0	0	0
OTHER OBLIGATIONS					
OUTSTANDING PROJECTS	0	0	0	0	0
CASH FLOW NEEDS	0	0	0	0	0
TOTAL OTHER OBLIGATIONS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
UNOBLIGATED CASH BALANCE	0	0	0	0	0

FUND PURPOSE:

Appropriation is requested to have spending authority should Federal or Other Funds become available during Fiscal Year 2015 to assist in funding the State Public Defender System

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Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2013	FY 2013	FY 2014	FY 2014	FY 2015	FY 2015	*****	*****
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
LEGAL DEFENSE & DEFENDER FUND								
CORE								
PERSONAL SERVICES								
LEGAL DEFENSE AND DEFENDER	130,179	1.98	130,726	2.00	130,726	2.00	0	0.00
TOTAL - PS	130,179	1.98	130,726	2.00	130,726	2.00	0	0.00
EXPENSE & EQUIPMENT								
LEGAL DEFENSE AND DEFENDER	1,173,269	0.00	2,795,756	0.00	2,762,408	0.00	0	0.00
TOTAL - EE	1,173,269	0.00	2,795,756	0.00	2,762,408	0.00	0	0.00
PROGRAM-SPECIFIC								
LEGAL DEFENSE AND DEFENDER	21,884	0.00	55,000	0.00	88,348	0.00	0	0.00
TOTAL - PD	21,884	0.00	55,000	0.00	88,348	0.00	0	0.00
TOTAL	1,325,332	1.98	2,981,482	2.00	2,981,482	2.00	0	0.00
Pay Plan FY14-Cost to Continue - 0000014								
PERSONAL SERVICES								
LEGAL DEFENSE AND DEFENDER	0	0.00	0	0.00	500	0.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	500	0.00	0	0.00
TOTAL	0	0.00	0	0.00	500	0.00	0	0.00
GRAND TOTAL	\$1,325,332	1.98	\$2,981,482	2.00	\$2,981,982	2.00	\$0	0.00

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CORE DECISION ITEM

Department:	Office of the State Public Defender	Budget Unit	<u>15141C</u>
Division:	Public Defender		
Core:	Legal Defense & Defender Core Request		

1. CORE FINANCIAL SUMMARY

	FY 2015 Budget Request			
	GR	Federal	Other	Total
PS	0	0	130,226	130,226
EE	0	0	2,795,756	2,795,756
PSD	0	0	55,000	55,000
TRF	0	0	0	0
Total	0	0	2,980,982	2,980,982

FTE	0.00	0.00	0.00	0.00
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Est. Fringe	<u>0</u>	<u>0</u>	<u>68,694</u>	<u>68,694</u>
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

	FY 2015 Governor's Recommendation			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0

FTE	0.00	0.00	0.00	0.00
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Est. Fringe	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. CORE DESCRIPTION

As the laws continue to change and staffing continues to change, training of public defenders and their staff becomes more critical. The funds in this appropriation are collected from the indigent accused and by statute are used at the discretion of the Director of the State Public Defender System for the operation of the department, including training, Missouri Bar Dues, Westlaw, one-time equipment purchases and office moves.

3. PROGRAM LISTING (list programs included in this core funding)

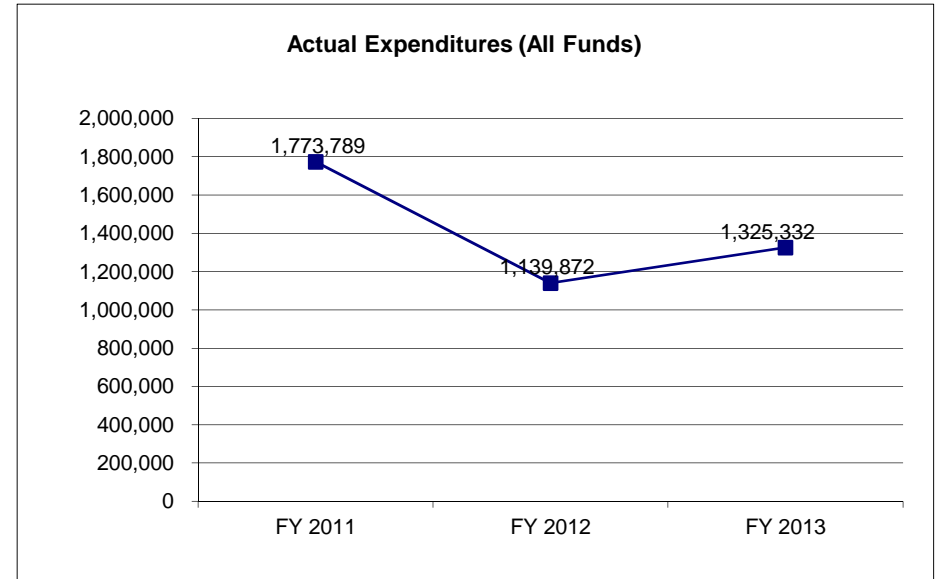
There are no separate programs within this appropriation.

CORE DECISION ITEM

Department:	Office of the State Public Defender	Budget Unit	15141C
Division:	Public Defender		
Core:	Legal Defense & Defender Core Request		

4. FINANCIAL HISTORY

	FY 2011 Actual	FY 2012 Actual	FY 2013 Actual	FY 2014 Current Yr.
Appropriation (All Funds)	2,980,263	2,980,263	2,980,952	2,980,982
Less Reverted (All Funds)	0	0	0	0
Budget Authority (All Funds)	2,980,263	2,980,263	2,980,952	2,980,982
Actual Expenditures (All Funds)	1,773,789	1,139,872	1,325,332	0
Unexpended (All Funds)	1,206,474	1,840,391	1,655,620	2,980,982
Unexpended, by Fund:				
General Revenue	0	0	0	0
Federal	0	0	0	0
Other	0	0	0	0



Reverted includes Governor's standard 3 percent reserve (when applicable) and any extraordinary expenditure restrictions.

NOTES:

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2013	FY 2013	FY 2014	FY 2014	FY 2015	FY 2015	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
LEGAL DEFENSE & DEFENDER FUND								
CORE								
DIVISION DIRECTOR	93,537	0.98	93,805	1.00	93,823	1.00	0	0.00
PROGRAM TECHNICIAN	36,642	1.00	36,921	1.00	36,903	1.00	0	0.00
TOTAL - PS	130,179	1.98	130,726	2.00	130,726	2.00	0	0.00
TRAVEL, IN-STATE	333,014	0.00	400,000	0.00	1,029,664	0.00	0	0.00
TRAVEL, OUT-OF-STATE	17,640	0.00	31,000	0.00	49,797	0.00	0	0.00
SUPPLIES	20,741	0.00	125,000	0.00	224,425	0.00	0	0.00
PROFESSIONAL DEVELOPMENT	46,155	0.00	37,500	0.00	3,213	0.00	0	0.00
COMMUNICATION SERV & SUPP	287,452	0.00	300,000	0.00	58,437	0.00	0	0.00
PROFESSIONAL SERVICES	5,366	0.00	150,000	0.00	8,032	0.00	0	0.00
M&R SERVICES	47,976	0.00	525,000	0.00	439,895	0.00	0	0.00
COMPUTER EQUIPMENT	207,478	0.00	630,000	0.00	321,268	0.00	0	0.00
OFFICE EQUIPMENT	12,395	0.00	399,256	0.00	104,412	0.00	0	0.00
OTHER EQUIPMENT	145,663	0.00	3,000	0.00	240,951	0.00	0	0.00
BUILDING LEASE PAYMENTS	835	0.00	20,000	0.00	1,205	0.00	0	0.00
EQUIPMENT RENTALS & LEASES	22,431	0.00	25,000	0.00	40,158	0.00	0	0.00
MISCELLANEOUS EXPENSES	26,123	0.00	150,000	0.00	240,951	0.00	0	0.00
TOTAL - EE	1,173,269	0.00	2,795,756	0.00	2,762,408	0.00	0	0.00
REFUNDS	21,884	0.00	55,000	0.00	88,348	0.00	0	0.00
TOTAL - PD	21,884	0.00	55,000	0.00	88,348	0.00	0	0.00
GRAND TOTAL	\$1,325,332	1.98	\$2,981,482	2.00	\$2,981,482	2.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$1,325,332	1.98	\$2,981,482	2.00	\$2,981,482	2.00		0.00

**STATE OF MISSOURI
FUND FINANCIAL SUMMARY**

DEPARTMENT: 151
FUND NAME: Legal Defense & Defender Fund
FUND NUMBER: 0670

<input type="checkbox"/> Statute _____	<input type="checkbox"/> Administratively Created	<input checked="" type="checkbox"/> Subject To Biennial Sweep
<input type="checkbox"/> Constitution _____	<input type="checkbox"/> Interest Deposited To Fund	<input type="checkbox"/> Subject to Other Sweeps (see notes)

	FY 2013 ADJUSTED APPROP	FY 2013 ACTUAL SPENDING	FY 2014 ADJUSTED APPROP	FY 2015 REQUESTED	FY 2015 GOVERNOR RECOMMEND
FUND OPERATIONS					
BEGINNING CASH BALANCE	0	367,472	147,367	247,367	0
RECEIPTS:					
REVENUE (Cash Basis: July 1 - June 30)	0	1,178,664	1,175,000	2,733,615	0
TRANSFERS IN	0	0	0	0	0
TOTAL RECEIPTS	0	1,178,664	1,175,000	2,733,615	0
TOTAL RESOURCES AVAILABLE	0	1,546,136	1,322,367	2,980,982	0
APPROPRIATIONS (INCLUDES REAPPROPS):					
OPERATING APPROPS	0	1,398,768	1,075,000	0	0
TRANSFER APPROPS	0	0	0	0	0
CAPITAL IMPROVEMENTS APPROPS	0	0	0	0	0
TOTAL APPROPRIATIONS	0	1,398,768	1,075,000	0	0
BUDGET BALANCE	0	147,367	247,367	2,980,982	0
UNEXPENDED APPROPRIATION *	0	0	0	0	0
OTHER ADJUSTMENTS	0	0	0	0	0
ENDING CASH BALANCE	0	147,367	247,367	2,980,982	0
FUND OBLIGATIONS					
ENDING CASH BALANCE	0	147,367	247,367	2,980,982	0
OTHER OBLIGATIONS					
OUTSTANDING PROJECTS	0	0	0	0	0
CASH FLOW NEEDS	0	0	0	0	0
TOTAL OTHER OBLIGATIONS	0	0	0	0	0
UNOBLIGATED CASH BALANCE	0	147,367	247,367	2,980,982	0

FUND PURPOSE:

Appropriation is requested to have spending authority should Federal or Other Funds become available during Fiscal Year 2015 to assist in funding the State Public Defender System

NEW DECISION ITEM
RANK: 1 **OF** 7

Department: Office of the State Public Defender	Budget Unit <u>15141C</u>
Division: Legal Defense & Defender Fund	
DI Name: Cost to Continue FY2014 Pay Plan	DI# 0000014

1. AMOUNT OF REQUEST

	FY 2015 Budget Request			
	GR	Federal	Other	Total
PS	0	0	500	500
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	500	500
FTE	2.00	0.00	0.00	2.00

Est. Fringe	<u>0</u>	<u>0</u>	<u>264</u>	<u>264</u>
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds: Legal Defense & Defender Fund

	FY 2015 Governor's Recommendation			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0
FTE	0.00	0.00	0.00	0.00

Est. Fringe	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input checked="" type="checkbox"/> Pay Plan	<input type="checkbox"/> Other: _____	

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

This is a new Fiscal Year 2015 Decision Item. It is considered a "Cost to Continue" decision item. It will furnish funding for the 2nd half of Fiscal Year 2014 pay plan that is to be put into place with the January 1st, 2014 pay period. The Fiscal Year 2014 pay plan was funded for only 12 of 24 pay periods.

NEW DECISION ITEM
RANK: 1 **OF** 7

Department:	Office of the State Public Defender	Budget Unit	15141C
Division:	Legal Defense & Defender Fund		
DI Name:	Cost to Continue FY2014 Pay Plan	DI#	0000014

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

The dollar amounts for this decision item were provided to the agencies by the Office of Administration, Division of Budget and Planning.

5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.										
		Dept Req GR	Dept Req GR	Dept Req FED	Dept Req FED	Dept Req OTHER	Dept Req OTHER	Dept Req TOTAL	Dept Req TOTAL	Dept Req One-Time
Budget Object Class/Job Class		DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS
Program Technician Division Director	0560	\$250	1.00					\$250	1.00	
	0550	\$250	1.00					\$250	1.00	
Total PS		\$500	2.00	0	0.0	0	0.0	\$500	2.00	0
Grand Total		\$500	2.00	0	0.0	0	0.0	\$500	2.00	0

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2013	FY 2013	FY 2014	FY 2014	FY 2015	FY 2015	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
LEGAL DEFENSE & DEFENDER FUND								
Pay Plan FY14-Cost to Continue - 0000014								
DIVISION DIRECTOR	0	0.00	0	0.00	250	0.00	0	0.00
PROGRAM TECHNICIAN	0	0.00	0	0.00	250	0.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	500	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$500	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$500	0.00		0.00

Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2013	FY 2013	FY 2014	FY 2014	FY 2015	FY 2015	*****	*****
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
EXTRAORDINARY EXPENSE/CONFLIC								
CORE								
EXPENSE & EQUIPMENT								
GENERAL REVENUE	3,721,070	0.00	3,021,071	0.00	3,021,071	0.00	0	0.00
TOTAL - EE	3,721,070	0.00	3,021,071	0.00	3,021,071	0.00	0	0.00
TOTAL	3,721,070	0.00	3,021,071	0.00	3,021,071	0.00	0	0.00
GRAND TOTAL	\$3,721,070	0.00	\$3,021,071	0.00	\$3,021,071	0.00	\$0	0.00

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CORE DECISION ITEM

Department:	Office of the State Public Defender	Budget Unit	<u>15151 C</u>
Division:	Public Defender		
Core:	Homocide/Conflict/Litigation Expenses Core Request		

1. CORE FINANCIAL SUMMARY

	FY 2015 Budget Request			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	3,021,071	0	3	3,021,074
PSD	0	0	0	0
TRF	0	0	0	0
Total	3,021,071	0	3	3,021,074

FTE	0.00	0.00	0.00	0.00
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Est. Fringe	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

	FY 2015 Governor's Recommendation			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0

FTE	0.00	0.00	0.00	0.00
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Est. Fringe	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. CORE DESCRIPTION

This Appropriation was established in 1989 to cover three types of expenses:

HOMICIDE CASES: All Costs associated with the defense of homicide cases are paid from this appropriation,

LITIGATION EXPENSES: Litigation expenses over \$500 are paid out of this appropriation. These would include, but are not limited to, such things as an independent analysis of DNA evidence, mental health evaluations by experts, depositions, interpreters, medical records, transcriptions, exhibits, immigration consults, fingerprint experts, handwriting analysis, etc.

CONFLICT CASES: When an indigent defense case is contracted out to private counsel for representation, the attorney's fees associated with that contract are paid out of this appropriation. Most often, the conflict that requires the case to be contracted out to private counsel is due to the existence of multiple co-defendants charged in a particular incident who may be pointing the finger at one another, making it an ethical problem for one defender office to represent more than one of them. Recently, cases have also been contracted out because of case overload in an attempt to give overloaded offices some relief. In FY2013, MSPD was only able to contract out approximately 3.3% (2,614 of 77,999 cases) of its total caseload, despite a crushing case overload, because funds were simply not available to contract out any more. This is addressed within this Budget Request and explained in further detail in New Decision Item #1.

CORE DECISION ITEM

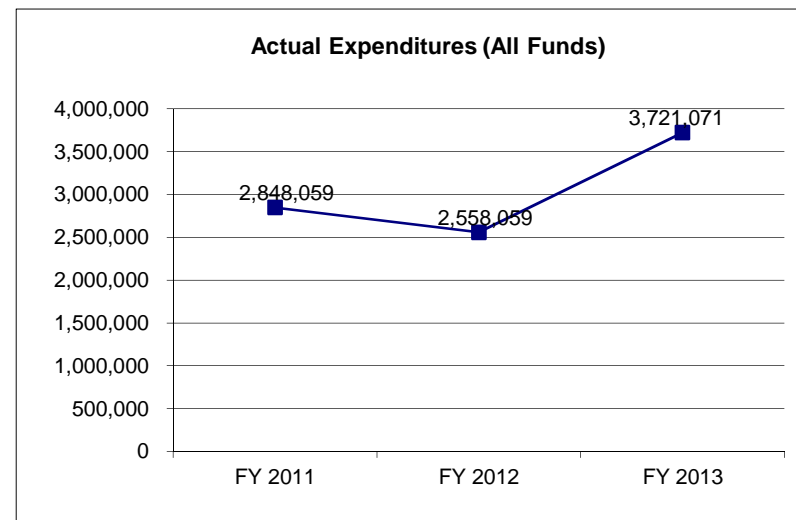
Department:	Office of the State Public Defender	Budget Unit	15151 C
Division:	Public Defender		
Core:	Homcide/Conflict/Litigation Expenses Core Request		

3. PROGRAM LISTING (list programs included in this core funding)

There are no separate programs within this appropriation.

4. FINANCIAL HISTORY

	FY 2011 Actual	FY 2012 Actual	FY 2013 Actual	FY 2014 Current Yr.
Appropriation (All Funds)	2,558,059	2,558,059	3,721,071	3,021,071
Less Reverted (All Funds)	0	0	0	0
Budget Authority (All Funds)	2,558,059	2,558,059	3,721,071	3,021,071
Actual Expenditures (All Funds)	2,848,059	2,558,059	3,721,071	0
Unexpended (All Funds)	(290,000)	0	0	3,021,071
Unexpended, by Fund:				
General Revenue	0	0	0	0
Federal	0	0	0	0
Other	0	0	0	0



Full Flexibility - In Fiscal Year 2011 a net of \$290,000 was transferred to this appropriation from the Legal Services PS & EE Core Appropriation to assist in contracting out case overload.

Reverted includes Governor's standard 3 percent reserve (when applicable) and any extraordinary expenditure restrictions.

NOTES:

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2013	FY 2013	FY 2014	FY 2014	FY 2015	FY 2015	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
EXTRAORDINARY EXPENSE/CONFLIC								
CORE								
TRAVEL, IN-STATE	235,036	0.00	230,000	0.00	140,500	0.00	0	0.00
TRAVEL, OUT-OF-STATE	34,417	0.00	21,000	0.00	30,000	0.00	0	0.00
FUEL & UTILITIES	5,301	0.00	6,000	0.00	5,000	0.00	0	0.00
SUPPLIES	29,095	0.00	35,000	0.00	37,000	0.00	0	0.00
PROFESSIONAL DEVELOPMENT	1,700	0.00	0	0.00	1,500	0.00	0	0.00
COMMUNICATION SERV & SUPP	15,075	0.00	12,000	0.00	13,250	0.00	0	0.00
PROFESSIONAL SERVICES	3,182,035	0.00	2,537,571	0.00	2,584,281	0.00	0	0.00
M&R SERVICES	10,827	0.00	10,000	0.00	10,500	0.00	0	0.00
OFFICE EQUIPMENT	34,691	0.00	0	0.00	1,500	0.00	0	0.00
BUILDING LEASE PAYMENTS	168,254	0.00	165,000	0.00	193,965	0.00	0	0.00
EQUIPMENT RENTALS & LEASES	470	0.00	1,500	0.00	575	0.00	0	0.00
MISCELLANEOUS EXPENSES	4,169	0.00	3,000	0.00	3,000	0.00	0	0.00
TOTAL - EE	3,721,070	0.00	3,021,071	0.00	3,021,071	0.00	0	0.00
GRAND TOTAL	\$3,721,070	0.00	\$3,021,071	0.00	\$3,021,071	0.00	\$0	0.00
GENERAL REVENUE	\$3,721,070	0.00	\$3,021,071	0.00	\$3,021,071	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2013	FY 2013	FY 2014	FY 2014	FY 2015	FY 2015	*****	*****
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
DEBT OFFSET ESCROW FUND								
CORE								
PROGRAM-SPECIFIC								
DEBT OFFSET ESCROW	758,990	0.00	1,200,000	0.00	1,200,000	0.00	0	0.00
TOTAL - PD	758,990	0.00	1,200,000	0.00	1,200,000	0.00	0	0.00
TOTAL	758,990	0.00	1,200,000	0.00	1,200,000	0.00	0	0.00
GRAND TOTAL	\$758,990	0.00	\$1,200,000	0.00	\$1,200,000	0.00	\$0	0.00

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CORE DECISION ITEM

Department:	Office of the State Public Defender	Budget Unit	<u>15161C</u>
Division:	Public Defender		
Core:	Debt Offset Escrow Fund Core Request		

1. CORE FINANCIAL SUMMARY

	FY 2015 Budget Request			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	1,200,000	1,200,000
TRF	0	0	0	0
Total	0	0	1,200,000	1,200,000

FTE	0.00	0.00	0.00	0.00
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Est. Fringe	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

	FY 2015 Governor's Recommendation			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0

FTE	0.00	0.00	0.00	0.00
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Est. Fringe	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. CORE DESCRIPTION

Beginning in Fiscal Year 1995, each agency participating in the Department of Revenue Debt Offset Program, was required to establish an appropriation to accept money intercepted from Missouri State Income Tax Refunds by the Department of Revenue on behalf of the agency.

3. PROGRAM LISTING (list programs included in this core funding)

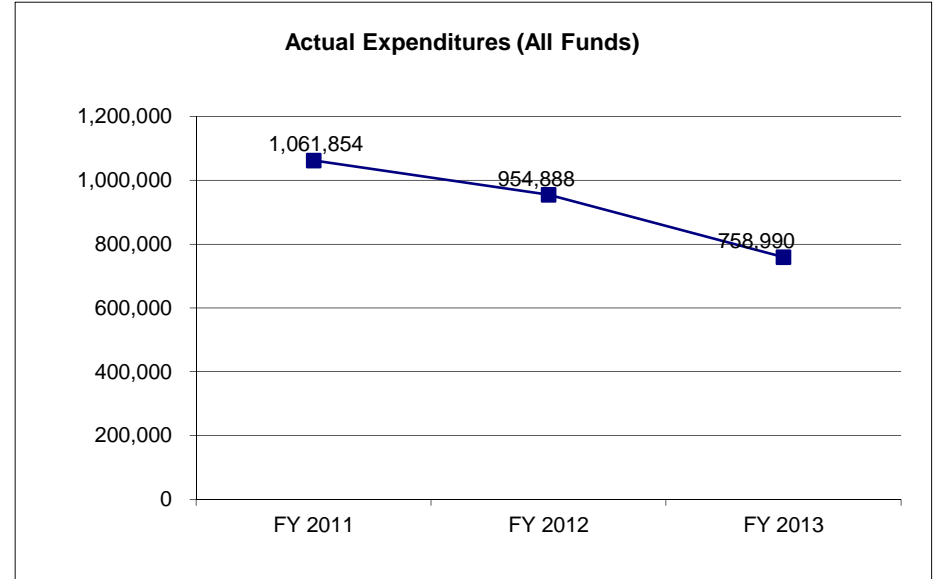
In Fiscal Year 2013, the Missouri State Public Defender intercepted approximately \$713,696 of Missouri State Income Tax Refunds from the Department of Revenue and \$40,803 from the Lottery payable to past clients who have outstanding debts to the State Public Defender System.

CORE DECISION ITEM

Department:	Office of the State Public Defender	Budget Unit	15161C
Division:	Public Defender		
Core:	Debt Offset Escrow Fund Core Request		

4. FINANCIAL HISTORY

	FY 2011 Actual	FY 2012 Actual	FY 2013 Actual	FY 2014 Current Yr.
Appropriation (All Funds)	350,000	350,000	350,000	1,200,000
Less Reverted (All Funds)	0	0	0	0
Budget Authority (All Funds)	350,000	350,000	350,000	1,200,000
Actual Expenditures (All Funds)	1,061,854	954,888	758,990	0
Unexpended (All Funds)	(711,854)	(604,888)	(408,990)	1,200,000
Unexpended, by Fund:				
General Revenue	0	0	0	0
Federal	0	0	0	0
Other	0	0	0	0



Reverted includes Governor's standard 3 percent reserve (when applicable) and any extraordinary expenditure restrictions.

NOTES:

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2013	FY 2013	FY 2014	FY 2014	FY 2015	FY 2015	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
DEBT OFFSET ESCROW FUND								
CORE								
REFUNDS	758,990	0.00	1,200,000	0.00	1,200,000	0.00	0	0.00
TOTAL - PD	758,990	0.00	1,200,000	0.00	1,200,000	0.00	0	0.00
GRAND TOTAL	\$758,990	0.00	\$1,200,000	0.00	\$1,200,000	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$758,990	0.00	\$1,200,000	0.00	\$1,200,000	0.00		0.00

SUPPLEMENTAL NEW DECISION ITEM

Department:	State Public Defender	Budget Unit	15151C
Division:	Public Defender - Legal Services		
DI Name:	Caseload Relief - 2014 Supplemental	DI#	2151001
		Original FY 2014 House Bill Section, if applicable	HB 12.400

1. AMOUNT OF REQUEST

FY 2014 Supplemental Budget Request					FY 2014 Supplemental Governor's Recommendation				
	GR	Federal	Other	Total		GR	Federal	Other	Total
PS	0	0	0	0	PS	0	0	0	0
EE	700,000	0	0	700,000	EE	0	0	0	0
PSD	0	0	0	0	PSD	0	0	0	0
TRF	0	0	0	0	TRF	0	0	0	0
Total	700,000	0	0	700,000	Total	0	0	0	0
FTE	0.00	0.00	0.00	0.00	FTE	0.00	0.00	0.00	0.00
POSITIONS	0	0	0	0	POSITIONS	0	0	0	0
NUMBER OF MONTHS POSITIONS ARE NEEDED: _____					NUMBER OF MONTHS POSITIONS ARE NEEDED: _____				
Est. Fringe	0	0	0	0	Est. Fringe	0	0	0	0
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>					<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>				

Other Funds:

Other Funds:

2. WHY IS THIS SUPPLEMENTAL FUNDING NEEDED? INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

\$700,000 was transferred from this appropriation at the beginning of Fiscal Year 2014 to the Office of the State Courts Administrator for the purpose of creating and overseeing two or more pilot 'bulk bid of misdemeanors' contracting projects. In the interim since that transfer, the Supreme Court has determined that it lacks the authority to administer such a program and that direct oversight of such attorney services would create a conflict of interest for the court. As a result, the Court has directed OSCA not to utilize the funds, but to hold them separate and return them to General Revenue unused.

MSPD, with the knowledge and agreement of the Supreme Court, therefore requests that the untouched \$700,000 be removed from OSCA's budget and returned to us, both as part of the FY14 supplemental budget and as part of the FY15 core, so that we may use it to contract conflict cases – a need for which current funds are woefully inadequate.

SUPPLEMENTAL NEW DECISION ITEM

Department:	State Public Defender	Budget Unit	15151C
Division:	Public Defender - Legal Services		
DI Name:	Caseload Relief - 2014 Supplemental	DI#	2151001
		Original FY 2014 House Bill Section, if applicable	HB 12.400

3. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? How many positions do the requested FTE equal and for how many months do you need the supplemental funding? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why.)

When multiple defendants face companion charges, there is always the risk that at some point in the representation, one will wind up pointing a finger at the other. As a result, the local defender office can only represent one codefendant. The others must go elsewhere, either to another defender office or out to private counsel on a contract for representation. Historically, MSPD has sent the first co-defendant to another defender office and has only contracted second, third, (or more) co-defendants out to private counsel. However, this handling of conflict cases in-house is not a cost-effective approach. These cases pull lawyers out of their primary jurisdictions and require them to drive significant distances to other counties to appear for court, conduct investigations, witness interviews and depositions, visit their clients in that county jail, etc. It is not uncommon for each trip to eat up close to a day of the attorney's time to deal with one or two cases. This arrangement also makes it very difficult for judges to triage cases coming into their local public defender offices because that often may also be taking conflict cases in 5-6 other counties not controlled by that judge. In the long run, it is much more cost-effective and more efficient to contract conflict cases out to local attorneys in the private bar and allow the defender offices to concentrate on effectively representing the cases that arise within the counties they are designed to serve.

At present, MSPD uses the fee schedule at right for cases contracted out to private counsel. Litigation expenses (the cost of transcripts, investigation, experts, or depositions) are not included in these fees but are approved separately on a case-by-case basis. These costs would also be incurred by MSPD whether the case was being handled internally or by private counsel.

Missouri State Public Defender Private Counsel Fee Schedule		
Case Type	Description	Contract Rates
15	Murder 1st Degree	\$10,000
20	Other Homicide	\$6,000
30D	AB Felony Drug	\$750
30F	AB Felony Other	\$1,500
30X	AB Felony Sex	\$2,000
35D	CD Felony Drug	\$750
35F	CD Felony Other	\$750
35X	CD Felony Sex	\$1,500
45M	Misdemeanor	\$375
45T	Misdemeanor - Traffic	\$375
50N	Juvenile - Non Violent	\$500
50S	Juvenile - Status	\$500
50V	Juvenile - Violent	\$750
65F	Probation Violation - Felony	\$375
65M	Probation Violation - Misd	\$375
110F	Direct Appeals - Felony	\$3,750
110S	Direct Appeal - Misdemeanor	\$500
124A	Rule 24.035 Appeal	\$500
124M	Rule 24.035 Motion	\$500
129A	Rule 29.15 Appeal	\$3,750
129M	Rule 29.15 Motion	\$500
Note: MSPD will pay additional compensation in cases resolved by trial Jury Trial - \$1,500 for the first day and \$750 for each additional day Bench Trial - \$750 per day prorated		

SUPPLEMENTAL NEW DECISION ITEM

Department:	State Public Defender	Budget Unit	15151C
Division:	Public Defender - Legal Services		
DI Name:	Caseload Relief - 2014 Supplemental	DI#	2151001
		Original FY 2014 House Bill Section, if applicable	HB 12.400

Using FY2013 caseload numbers, if all conflicts were assigned to private counsel, the cost would exceed \$5.7 million. Currently, available funds for FY2014 in the Homicide/Conflict/Litigation Costs appropriation for conflicts is \$1,578,000. This \$700,000 would permit additional cases to be assigned to private counsel rather than utilizing sister public defender offices to provide representation in multiple defendant conflict cases.

4. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.

Budget Object Class/Job Class	Dept Req GR DOLLARS	Dept Req GR FTE	Dept Req FED DOLLARS	Dept Req FED FTE	Dept Req OTHER DOLLARS	Dept Req OTHER FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	Dept Req One-Time DOLLARS
							0	0.0	0
							0	0.0	0
Total PS	0	0.0	0	0.0	0	0.0	0	0.0	0
Professional Services/400	700,000						700,000		700,000
							0		0
Total EE	700,000		0		0		700,000		700,000
Grand Total	700,000	0.0	0	0.0	0	0.0	700,000	0.0	700,000

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SUPPLEMENTAL NEW DECISION ITEM

Department: Office of the State Public Defender	Budget Unit 15111C
Division: Public Defender - Legal Services	
DI Name: Missouri Bar Dues Increase DI# 2151002	Original FY 2014 House Bill Section, if applicable HB 12.400

1. AMOUNT OF REQUEST

	FY 2014 Supplemental Budget Request			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	22,215	0	0	22,125
PSD	0	0	0	0
TRF	0	0	0	0
Total	22,215	0	0	22,125

FTE 0.00 0.00 0.00 0.00
 POSITIONS 0 0 0 0

NUMBER OF MONTHS POSITIONS ARE NEEDED: _____

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

	FY 2014 Supplemental Governor's Recommendation			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0

FTE 0.00 0.00 0.00 0.00
 POSITIONS 0 0 0 0

NUMBER OF MONTHS POSITIONS ARE NEEDED: _____

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. WHY IS THIS SUPPLEMENTAL FUNDING NEEDED? INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

The Missouri Bar Board of Governors Approves Proposed Increase to Enrollment Fees for 2014

The Missouri Bar Board of Governors voted to approve a proposed \$75 enrollment fee increase for members in Category 1 and Category 3, only the third increase in almost three decades. The increase, would take effect January 2014. Licensing fees for attorneys in Category 2 would stay the same.

Theses are not optional organization dues, but licensing fees required and necessary to practice law in the State of Missouri.

SUPPLEMENTAL NEW DECISION ITEM

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Missouri Bar Dues Increase	DI# 2151002	Original FY 2014 House Bill Section, if applicable HB 12.400

3. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? How many positions do the requested FTE equal and for how many months do you need the supplemental funding? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why.)

Attorney Fee Categories

- **Category 1** - Licensed by examination for over three years or licensed by Rule 8.10 or 8.105, and either residing, practicing or employed in Missouri. **Last FY there were 295 Public Defenders in this category.**

An additional \$75 per attorney would result in an annual increase of \$22,125.

- **Category 2** – Licensed less than three years by examination and either residing, practicing or employed in Missouri.
- **Category 3** – Licensed but neither residing, practicing nor employed in Missouri. - Inactive fee pursuant to Rule 6.03(b)

SUPPLEMENTAL NEW DECISION ITEM

Department: Office of the State Public Defender				Budget Unit 15111C					
Division: Public Defender - Legal Services									
DI Name: Missouri Bar Dues Increase		DI# 2151002		Original FY 2014 House Bill Section, if applicable HB 12.400					
4. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.									
	Dept Req GR DOLLARS	Dept Req GR FTE	Dept Req FED DOLLARS	Dept Req FED FTE	Dept Req OTHER DOLLARS	Dept Req OTHER FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	Dept Req One-Time DOLLARS
Budget Object Class/Job Class									
							0	0.0	0
							0	0.0	0
Total PS	0	0.0	0	0.0	0	0.0	0	0.0	0
							0		0
							0		0
Organization Memberships/320	22,125						22,125		
							0		0
Total EE	22,125		0		0		22,125		0
Grand Total	22,125	0.0	0	0.0	0	0.0	22,125	0.0	0

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